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# THE MINING ACT OF ONTARIO

BEING

R.S.O. 1914, CHAPTER 32, AS AMENDED BY  
4 GEO. V., CHAPTER 14, AND  
5 GEO. V., CHAPTER 13.

*(Consolidated for Convenience by the Department)*

PRINTED BY ORDER OF  
THE LEGISLATIVE ASSEMBLY OF ONTARIO

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DEPARTMENT OF GEOLOGY  
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TORONTO:

Printed and Published by A. T. WILGRESS, Printer to the King's Most Excellent Majesty  
1915



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## GENERAL INFORMATION FOR PROSPECTORS

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Any one over 18 years of age who takes out a miner's license may prospect for minerals upon Crown lands or lands of which the mining rights are reserved to the Crown, and may take up work and acquire title to a specified area by making a discovery of valuable mineral, staking out and recording a claim, performing and filing proof of the prescribed development work, obtaining a survey if in unsurveyed territory, and paying a small price per acre; patent being given in fee simple upon the completion of these requirements. Particulars as to these matters will be found in sections 22, 23, 34, 35, 67, 2, (x), 54-56, 59, 60, 78, 79, 106, 107, 113.

Generally speaking, all Crown lands and all lands of which the minerals are reserved to the Crown are open to prospecting and staking out if not already taken up. But there are a few exceptions; see sections 34-43; and there are special provisions applying to lands in Crown forest reserves and lands under timber license; see sections 44-47. To prospect in a forest reserve a prospecting permit as well as a miner's license is necessary; and to work either in a forest reserve or upon lands under timber license leave of the Minister must be obtained. In all cases where only the mining rights are in the Crown, the prospector and miner must compensate the surface owner for all injury or damage to the surface rights; section 104. Where no one else is entitled to the surface rights the miner gets these as well as the minerals, except that pine timber is reserved, and except that in forest reserves leases with provisions fixed by the Department are granted instead of patents.

By virtue of *The Public Lands Act* (R.S.O. 1914, chapter 28, section 53), the mines and minerals in lands patented before the passing of the Act (6th May, 1913), are deemed to have passed to the patentee by the letters patent and every reservation thereof contained in the letters patent or by statute is void. The same provision applies to lands subsequently patented, unless the mines and minerals are expressly reserved by the letters patent.

Particulars as to what lands are open can be obtained at the office of the Recorder, where maps are kept showing the claims taken up and the lands still open.

A miner's license can be obtained from the Bureau of Mines, or, except in the case of a company, from any Mining Recorder. It is good throughout the Province, but must be renewed not later than 31st of March each year. It is not transferable. See sections 22-33. A prospecting permit for a forest reserve can be obtained at the Bureau of Mines, or from the Recorder at any one of the following places: Haileybury, Elk Lake, Matheson, Porcupine, Gowganda, Sudbury, and Port Arthur.

Claims in unsurveyed territory must as nearly as reasonably possible be squares of 40 acres with boundaries (each 20 chains or 1,320 feet), running north and south and east and west, and in surveyed townships and old mining locations they must be the aliquot part of a lot, section or location specified in the Act; sections 49, 50. Special provision is made for irregular pieces lying between other claims or bordering on water; section 52. In special mining divisions the size is reduced one-half and the claims must be laid out as provided in section 51. No more than three mining claims may be staked out or recorded in the name of one licensee, in the same mining division during a license year; section 53. The boundaries of all claims go down vertically on all sides and all minerals within them are included in the claim.

The manner in which the staking and recording of mining claims must be done is described in sections 54, 59 and 60.

To meet cases where a discovery of valuable mineral cannot readily be made upon the lands, provision is made for obtaining what are called Working Permits. The provisions regarding these will be found in sections 94-103.

Where a prospector finds a vein or indications of mineral not good enough to stake, but which he desires to investigate, he may protect himself by prospecting pickets in accordance with section 56.

Any one who records a claim upon a fraudulent affidavit of discovery or who is guilty of any fraud in the acquisition of the claim will not acquire a good title to the property; and any one who plants stakes in violation of the Act or who stakes out a claim and fails to record it, forfeits any right to again stake out any part of the same lands, unless he first satisfies the Recorder that he acted in good faith and obtains a certificate under section 57.



A metal tag (which can be obtained from the Recorder) showing the recorded number of the claim is required to be affixed to No. 1 post after recording. Section 62 (3).

A survey is required in unsurveyed territory. The requirements regarding it will be found in section 113.

The validity of every mining claim is open to dispute for 60 days after recording, but at the end of that time a Certificate of Record may be obtained, and on satisfactory proof of performance of work a Certificate of Performance of Work may also be obtained, and these certificates, in the absence of fraud or mistake, are conclusive evidence of the performance of the requirements of the Act. Sections 63-66, 78 (4).

Particulars regarding the development work required to be performed will be found in sections 78-80. Where a claim is staked in a forest reserve application for permission to work should be immediately made; see section 79.

A mining claim or any share or interest in it may at any time be sold or transferred to another licensee, but to ensure priority over a subsequent purchaser or transferee all such agreements and transfers should be recorded. Agreements made after the staking out of the claim must be in writing, and it is better also that all prospecting or other agreements for acquisition of any interest in a mining claim should be put in writing and signed by the parties; see sections 70-76. No person, partnership or company can acquire or continue to hold any unpatented mining claim or any interest therein, without holding a miner's license and keeping it renewed. Sections 22, 84.

The Act contains special provisions regarding partnerships and companies. See sections 22, 23, 25, 122.

Questions and disputes arising under the Act, either between individuals or between an individual and the Crown, are adjudicated by the local Recorder or by a special officer called the Mining Commissioner, subject to appeal in important cases to the High Court. The procedure is simple and speedy, and hearings must ordinarily be held in the local district. See sections 123-156.

It is intended, as far as possible, to protect the honest prospector who complies substantially and to the best of his

ability with the requirements of the Act from being defeated of any just claim by technicality, but a prospector should always endeavor, if he desires to avoid trouble and possibility of loss, to follow the provisions of the Act as carefully and accurately as possible.

For full information upon the various matters reference must be made to the Act itself. The index at the back will be found of assistance in finding what is desired.

Maps and blank forms and other general information can be obtained from the Bureau of Mines, Toronto, or from any Mining Recorder.

#### LIST OF MINING DIVISIONS AND RECORDERS.

Mining Division.	Name of Recorder.	P.O. Address.
Gowganda .....	H. E. Sheppard .....	Gowganda, Ont.
Kenora .....	W. L. Spry .....	Kenora, Ont.
Larder Lake .....	J. A. Hough .....	Matheson, Ont.
Montreal River .....	A. Skill .....	Elk Lake, Ont.
Parry Sound .....	H. F. McQuire .....	Parry Sound, Ont.
Porcupine .....	G. H. Gauthier .....	Porcupine, Ont.
Port Arthur .....	J. W. Morgan .....	Port Arthur, Ont.
Sault Ste. Marie .....	W. N. Miller .....	Sault Ste. Marie, Ont.
Sudbury .....	C. A. Campbell .....	Sudbury, Ont.
Timiskaming and Coleman...	N. J. McAulay .....	Haileybury, Ont.

# An Act to amend The Mining Act of Ontario

(6 Geo. V, Chapter 12).

*Assented to 27th April, 1916.*

**H**IS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as *The Mining Amendment Act*, Short title. 1916.

2. Section 81 of *The Mining Act of Ontario* is amended by inserting after the word "thereon" in the fourth line thereof the words, "or to a survey, patent or the first year's rental of a lease." Rev. Stat. c. 32, s. 81, amended.

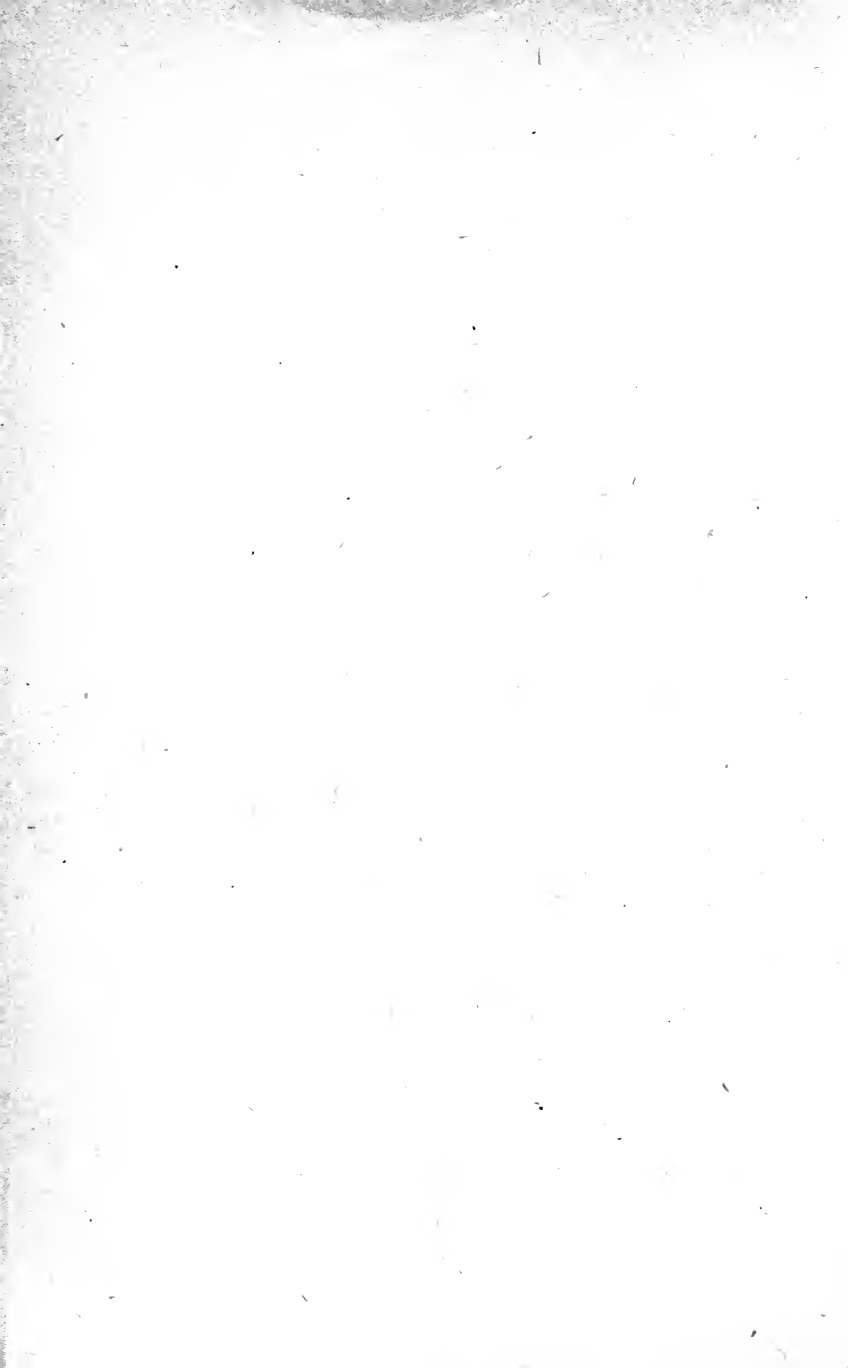
3. Clause (d) of section 84 of the said Act is amended by striking out the figure "3" in the first line thereof and substituting therefor the figure "4." Rev. Stat. c. 32, s. 84, cl. d, amended.

4. The said Act is amended by inserting the following as section 183a:— Rev. Stat. c. 32, amended.

183a. Notwithstanding any agreement to the contrary, every person who performs labour for wages in connection with any mine, mining claim, mining lands, or works connected therewith, shall be paid such wages at intervals of not more than two weeks. Payment of wages at mines or on mining works.

5. The said Act is amended by adding the following as section 194 (a):— Rev. Stat. c. 32, amended.

The provisions of sections 192 and 193 shall also apply to all mining claims staked and recorded under *The Mines Act, 1906, The Mining Act of Ontario, 1908* or under this Act. Application by Rev. Stat. c. 32, ss. 192, 193.



# THE MINING ACT OF ONTARIO

Being R.S.O., 1914, Chapter 32, as amended by 4 Geo. V., Chapter 14; and 5 Geo. V., Chapter 13.

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## CHAPTER 32.

### An Act respecting Mines and Mining.

**H**IS MAJESTY, by and with the advice and consent of  
the Legislative Assembly of the Province of Ontario,  
enacts as follows:—

Short title.      1. This Act may be cited as *The Mining Act of Ontario*.  
8 Edw. VII. c. 21, s. 1.

Interpreta-      2. In this Act  
tion.

"Agent."      (a) "Agent" where it occurs in Parts IX. and X. shall  
mean any person having, on behalf of the owner, the care or  
direction of a mine, or of any part thereof.

(b) "Commissioner" shall mean the Mining Commissioner. "Commissioner."

(c) "Crown lands" shall not include lands in the actual use or occupation of the Crown, or of any public Department of the Government of Canada, or of Ontario, or of any officer or servant thereof, or under lease or license of occupation from the Crown or the Minister of Lands, Forests and Mines, or set apart or appropriated by lawful authority for any public purpose or vested in the Timiskaming and Northern Ontario Railway Commission. "Crown lands."

(d) "Department" shall mean the Department of Lands, Forests and Mines. "Department."

(e) "Deputy Minister" shall mean the Deputy Minister of Mines. "Deputy Minister."

(f) "In place" when used in reference to mineral shall mean in the place or position where originally formed in the solid rock, as distinguished from being in loose, fragmentary or broken rock, boulders, float, beds or deposits of gold- or platinum-bearing sand, earth, clay, or gravel, or placer. "In place."

(g) "Inspector" shall include an inspector appointed under this Act, for a Mining Division or any part thereof, or for Ontario, and any officer having the powers of an inspector. "Inspector."

(h) "Licensee" shall mean a person, mining partnership or company holding a miner's license issued under this Act or any renewal thereof. "Licensee."

(i) "Machinery" shall include steam and other engines, boilers, furnaces, stamps and other crushing apparatus, winding and pumping gear, chains, trucks, tramways, tackle blocks, ropes and tools, and all appliances used in or about or in connection with a mine. "Machinery."

(j) The noun "mine" shall include any opening or excavation in, or working of, the ground for the purpose of winning, opening up or proving any mineral or mineral-bearing substance, and any ore body, mineral deposit, stratum, soil, rock, bed of earth, clay, gravel or cement, or place where "Mine."

mining is or may be carried on, and all ways, works, machinery, plant, buildings and premises below or above ground, belonging to, or used in connection with, the mine, and also for the purposes of Parts IX. and X., any excavation or opening in the ground made for the purpose of searching for mineral, and any roast yard, smelting furnace, mill, work or place used for or in connection with crushing, reducing, smelting, refining or treating ore, mineral or mineral-bearing substance.

"Mine."  
"Mining."

(k) The verb "mine" and the word "mining" shall include any mode or method of working whereby the soil or earth or any rock, stone or quartz may be disturbed, removed, washed, sifted, roasted, smelted, refined, crushed or dealt with for the purpose of obtaining any mineral therefrom, whether the same may have been previously disturbed or not, and also for the purposes of Parts IX. and X. of this Act all operations and workings mentioned in paragraph (j) of this section.

"Mineral."

(l) "Mineral" shall include coal, gas, oil and salt.

"Mining lands."

(m) "Mining lands" shall include lands and mining rights patented or leased under or by authority of any statute, regulation, or Order in Council, respecting mines, minerals or mining, and also lands or mining rights located, staked out, used or intended to be used for mining purposes.

"Mining rights."

(n) "Mining rights" shall mean the ores, mines and minerals on or under any land where the same are or have been dealt with separately from the surface.

"Minister."

(o) "Minister" shall mean the Minister of Lands, Forests and Mines.

"Owner."

(p) "Owner" when used in Parts IX. and X. of this Act shall include every person, mining partnership, and company being the immediate proprietor or lessee or occupier of a mine, or of any part thereof, or of any land located, patented or leased as mining lands but shall not include a person, or a mining partnership or company receiving merely a royalty, rent or fine from a mine or mining lands, or being merely the proprietor of a mine or mining lands subject to a lease, grant or other authority for the working thereof, or the owner of the surface rights and not of the ore or minerals.



(r) "Patent" shall mean a grant from the Crown in fee "Patent." simple or for any less estate made under the Great Seal.

(s) "Prescribed" shall mean prescribed by this Act or by "Pre-  
Order in Council or by rule or regulation made under the scribed."  
authority of this Act.

(t) "Recorder" shall mean the Mining Recorder of the "Recorder."  
Mining Division in which the land in respect of which an  
act, matter or thing is to be done is situate.

(u) "Regulation" shall mean a regulation made by the "Regula-  
Lieutenant-Governor in Council under the authority of this tion."  
Act.

(v) "Shaft" shall include a pit. "Shaft."

(w) "Surface rights" shall mean land granted, leased or "Surface  
located for agricultural or other purposes, the ores, miner- rights."  
als and mines whereof or under the surface whereof are  
reserved to the Crown.

(x) "Valuable mineral in place," shall mean a vein, lode "Valuable  
or deposit of mineral in place appearing at the time of dis- mineral."  
covery to be of such a nature and containing in the part  
thereof then exposed such kind and quantity of mineral or  
minerals in place, other than limestone, marble, clay, marl,  
peat, or building stone, as to make it probable that the vein  
lode or deposit is capable of being developed into a produc-  
ing mine likely to be workable at a profit. 8 Edw. VII, c. 21,  
s. 2.

#### APPLICATION OF ACT.

3.—(1) Applicants for mining lands who had prior to Rights of  
the 14th day of May, 1906, complied with the provisions of applicants  
Chapter 36 of *The Revised Statutes of Ontario, 1897*, or preserved.  
regulations thereunder, respecting applications for such land  
and whose applications were pending before the Department  
on such date may prosecute their applications in the same  
manner and may acquire the same title to such land as if  
*The Mines Act, 1906*, and this Act had not been passed.

(2) Nothing herein contained shall affect the sale, lease Sales, etc.,  
or location, for agricultural or other purposes, of any land for other  
opened for sale or free grant under *The Public Lands Act*, purposes  
or any Act, Order in Council or Regulation respecting the not affected.  
sale and disposal of such land. 8 Edw. VII. c. 21, s. 3. Rev. Stat.  
c. 28.

## BUREAU OF MINES.

Bureau of  
Mines—  
Deputy  
Minister.

4. The Bureau of Mines established in connection with the Department, to aid in promoting the mining interests of Ontario, shall be continued, and the Deputy Minister shall have charge thereof under the direction of the Minister. 8 Edw. VII. c. 21, s. 4.

Power of  
Deputy  
Minister

5. The Deputy Minister shall have all the powers, rights and authority of an Inspector, and such other powers, rights and authority for carrying into effect the provisions of this Act as may be assigned to him by regulation. 8 Edw. VII, c. 21, s. 5.

## PROVINCIAL GEOLOGIST, ASSAYER, AND INSPECTORS.

Appointment  
and duties  
of Geologist,  
Assayer,  
and In-  
spectors.

Depart-  
mental  
officers.

6.—(1) The Lieutenant-Governor in Council may appoint a Provincial Geologist, a Provincial Assayer and an Inspector or Inspectors, and such other officers and agents as he may deem necessary, who shall be officers of the Bureau of Mines, and shall perform such duties as may be assigned to them by this Act or by regulation.

Geologist to  
be ex-officio  
inspector.

(2) The Provincial Geologist shall be *ex-officio* an Inspector. 8 Edw. VII, c. 21, s. 6; 2 Geo. V, c. 8, s. 2.

## MINING RECORDERS; THEIR DUTIES AND POWERS.

Mining  
Recorder.

7. The Lieutenant-Governor may appoint for each Mining Division a Mining Recorder, who shall be an officer of the Bureau of Mines. 8 Edw. VII, c. 21, s. 7.

Books and  
maps to be  
kept by  
Recorder.

8. Every Recorder shall keep such books for the recording of mining claims, quarry claims and working permit applications and other entries therein as may be prescribed by the Minister, and such books shall be open to inspection by any person on payment of a fee of 10 cents for each claim or application examined. He shall also keep displayed in his office a map or maps showing the territory included in his Mining Division, and shall mark thereon all claims as they are recorded, and also all areas applied for under the provisions of this Act relating to working permits, and also all such areas, to be specially distinguished, in respect of which a working permit has been issued, and there shall be no charge for examining the map. 8 Edw. VII, c. 21, s. 8.

9. Every document filed in the Recorder's office shall, during office hours, be open to inspection by any one on payment of the prescribed fee. 8 Edw. VII, c. 21, s. 9. Right to inspect documents.

10. Every copy of or extract from an entry in any of such books, and of any document filed in the Recorder's office, certified to be a true copy or extract by the Recorder, shall be received in any court as *prima facie* evidence of the matter certified by him without proof of his appointment, authority or signature. 8 Edw. VII. c. 21, s. 10. Evidence of records.

#### EMPLOYMENT OF EXPERTS, ETC.

11. Notwithstanding anything in *The Public Service Act* the Minister may employ any professor, instructor, or other person engaged in any educational or other institution to investigate the mineral resources of Ontario or for any work in connection with this Act, and may pay him for such services at such rate as may be agreed upon, out of any money appropriated by the Legislature for that purpose. 8 Edw. VII, c. 21, s. 11. Employment of professors, etc., in educational institutions to investigate mineral resources.

#### GENERAL PROVISIONS AS TO OFFICERS.

12.—(1) No officer appointed under this Act shall directly or indirectly, by himself or by any other person, purchase or become interested in any Crown lands, mining rights or mining claims, and any such purchase or interest shall be void. Officers not to be interested in Crown lands or mining claims.

(2) Any officer offending against the provisions of subsection 1 shall forfeit his office and shall, in addition thereto, incur a penalty of \$500 for every such offence, to be recovered in any court of competent jurisdiction by any person who sues for the same. 8 Edw. VII. c. 21, s. 12. Penalty.

13.—(1) A subpoena shall not issue out of any court, requiring the attendance of the Deputy Minister, the Commissioner, the Provincial Geologist, the Provincial Assayer, or any Inspector, inspecting officer, or Recorder, or the production of any document in their official custody or possession without an order of the court or a judge thereof, or in matters before the Commissioner without a direction of the Commissioner. Certain officers not to be subpoenaed without order of judge.

Privilege  
as to  
official in-  
formation.

(2) The Deputy Minister, the Commissioner, the Provincial Geologist, the Provincial Assayer, and any Inspector, inspecting officer, or Recorder shall not be bound to disclose any information obtained by him in his official capacity which a member of the Executive Council certifies ought not in the public interest to be divulged or cannot without prejudice to the interests of persons not concerned in the litigation be divulged and all such information shall be privileged. 8 Edw. VII. c. 21, s. 13.

*Ex-officio*  
Justices  
of the  
Peace.

14. The Commissioner, and every Inspector, shall be *ex-officio* a Justice of the Peace for every county and district in Ontario and a Recorder in his Division shall be *ex-officio* a Justice of the Peace for the county or district in which any part of his Division lies; and it shall not be necessary that they shall possess any residential or property qualification. 8 Edw. VII, c. 21, s. 14.

Appoint-  
ment of  
constables  
by Recorder.

15.—(1) A Recorder may appoint any number of constables not exceeding four, who shall be constables and peace officers for the purposes of this Act, during the terms and within the Mining Division for which they are appointed.

Fees of  
constables.

(2) A constable so appointed shall be paid such fees and expenses as may be allowed by the Recorder, but such fees shall not exceed \$3 per day for the time certified by the Recorder. 8 Edw. VII, c. 21, s. 15.

#### MINING COMMISSIONER.

Government  
may appoint  
Mining  
Commis-  
sioner.

16.—(1) The Lieutenant-Governor in Council may, from time to time, appoint an officer, to be known as the Mining Commissioner, for the purposes of this Act, and all other Acts relating to mining.

To be a  
barrister of  
ten years'  
standing.

(2) He shall be a barrister of at least ten years' standing at the bar of Ontario.

Not to prac-  
tise in min-  
ing matters.

(3) He shall not practice as a barrister or solicitor in any matter arising under this Act, or act in any capacity as a legal agent or adviser in any such matter. 8 Edw. VII. c. 21, s. 16.

Deputy  
Minister  
may act as  
Commis-  
sioner.

(4) In case of his illness or absence from Ontario the Deputy Minister of Mines may act in his stead. 2 Geo. V, c. 8, s. 3.

## MINING DIVISIONS.

**17.**—(1) The Lieutenant-Governor in Council may divide the Province into Mining Divisions and may alter the number, limits and extent thereof. Mining Divisions,—Province to be divided into.

(2) Every Order in Council made under this section shall be published in the *Ontario Gazette* and shall take effect from the date of the first publication thereof. 8 Edw. VII. c. 21. s. 17.

**18.** Except as in this Act otherwise specially provided the Recorder's office shall be the proper office for filing and recording all applications, documents and other instruments required or permitted to be filed or recorded under the provisions of this Act, affecting any unpatented mining claim or quarry claim or any right, privilege or interest which may be acquired under the provisions of this Act to or in respect of Crown lands or unpatented mining rights, and all such applications, documents and instruments may, before patent, be filed or recorded in the said office, but after patent, the provisions of *The Registry Act* and of *The Land Titles Act* shall respectively apply. 8 Edw. VII. c. 21, s. 18. Claims and documents to be filed in Recorder's office. Rev. Stat. cc 124, 126.

**19.** Where any part of the Province is not included in a Mining Division, or if there is no Recorder for a Mining Division, all applications shall be made to the Bureau of Mines, and all duties and powers of the Recorder shall be performed and exercised by the Deputy Minister; and all acts, matters and things which in a Mining Division are to be done by or before a Recorder shall be done by or before the Deputy Minister, and all such acts, matters and things which are to be done in the office of the Recorder shall be done at the Bureau of Mines. 8 Edw. VII. c. 21, s. 19. Vacancy in office of Recorder.

**20.** Upon the issue of a patent by the Crown of any mining lands or mining rights, the Minister shall give notice thereof to the Recorder of the Mining Division in which the lands included in the patent are situate, and the Recorder shall keep in his office a list of all such lands. 8 Edw. VII. c. 21, s. 20. Minister to furnish Recorder with list of lands patented.

## SPECIAL MINING DIVISIONS.

**21.**—(1) The Lieutenant-Governor in Council may declare any locality to be a Special Mining Division. Special Mining Divisions.

Order in  
Council.

(2) Every Order in Council made under this section shall be published in the *Ontario Gazette* and shall take effect from the date of the first publication thereof. 8 Edw. VII. c. 21, s. 21.

#### LICENSES TO MINE AND LICENSE HOLDERS.

License  
required.

**22.**—(1) No person, mining partnership or company not the holder of a miner's license shall prospect for minerals upon Crown lands or land of which mining rights are in the Crown, or stake out, record or acquire any unpatented mining claim, quarry claim, or area of land for a working permit or for a boring permit, or acquire any right or interest therein.

Clerks or  
employees  
not to  
require  
license.

(2) A clerk or employee of a licensee performing clerical, manual or other services of like nature shall not be required to be the holder of a miner's license. 8 Edw. VII, c. 21, s. 22.

Who may  
receive  
license.

**23.**—(1) Any person over eighteen years of age, any mining partnership and, subject to the provisions of subsection 6, any company incorporated or licensed under the laws of Ontario to transact business or hold lands in Ontario, shall be entitled on payment of the prescribed fee to obtain a miner's license. (Form 1.)

Date and  
term of  
license.

(2) The license shall be dated on the day of the issue thereof and shall expire at midnight on the 31st day of March then next ensuing.

Effect of  
license,—  
non-trans-  
ferable.

(3) The license shall be effectual throughout Ontario but shall not be transferable.

License to  
companies.

(4) Licenses to companies shall be issued only by the Minister or by the Deputy Minister.

Who may  
issue  
licenses.

(5) Licenses to individuals and to mining partnerships may be issued by the Minister or the Deputy Minister or by any Recorder.

Proof re-  
quired be-  
fore license  
to company.

(6) A license shall not be issued to a company if it is incorporated under the laws of Ontario unless or until it has satisfied the Minister or the Deputy Minister that it is so incorporated, and if it is not so incorporated, unless or until

it has filed with the Bureau of Mines a copy of the license authorizing the company to transact business or hold land in Ontario verified by the affidavit (Form 2) of an officer of the company. 8 Edw. VII, c. 21, s. 23.

**24.** Every miner's license shall be numbered, and shall also be lettered with a letter of the alphabet prescribed by the Minister to indicate the office from which it was issued. 8 Edw. VII, c. 21, s. 24.

Numbering and lettering of licenses.

**25.** A miner's license held by a mining partnership or a company shall not entitle any partner, shareholder, officer or employee thereof to the rights or privileges of a licensee. 8 Edw. VII, c. 21, s. 25.

Effect of license to partnership or company.

**26.** A person who is not a licensee shall not prospect for minerals or stake out a mining claim, quarry claim, or area of mining land for the purpose of obtaining a working permit or boring permit on behalf of a mining partnership or a company. 8 Edw. VII, c. 21, s. 26.

Unlicensed person not to act for partnership or company.

**27.—(1)** A licensee shall be entitled to a renewal of his license (Form 3) on production of his license before the expiration thereof and on payment of the prescribed fee.

Renewal of license.

(2) The license may be renewed by the Minister or the Deputy Minister or by any Recorder.

Who may issue renewal.

(3) The renewal shall bear date on the 1st day of April and shall be deemed to have been issued and shall take effect immediately upon the expiration of the license of which it is a renewal, or of the last preceding renewal as the case may be.

Date and effect of renewal.

(4) The renewal shall bear the same number and letter as the original license and after it comes into effect it shall be deemed to be the license of the licensee. 8 Edw. VII, c. 21, s. 27.

Form of.

**28.—(1)** If a miner's license is accidentally destroyed or lost, the holder may, on payment of the prescribed fee, obtain a duplicate thereof from the office out of which the original was issued.

Accidental destruction or loss of license.

Substituted  
license.

(2) Every such duplicate shall be marked "substituted license." 8 Edw. VII, c. 21, s. 28.

Not more  
than one  
license to  
be issued.

**29.**—(1) No person; mining partnership, or company shall apply for or hold more than one miner's license.

(2) A contravention of this section shall be an offence against this Act, but where the Minister is satisfied that there was no improper intent, and upon surrender of the unnecessary license or licenses the person paying for the same shall be entitled to a refund of the fee or fees paid. 8 Edw. VII, c. 21, s. 29, as amended by 5 Geo. V, c. 13, s. 2.

Production  
of license.

**30.** Every licensee shall upon demand produce and exhibit his license to an Inspector or a Recorder. 8 Edw. VII, c. 21, s. 30.

License to  
date from  
application  
therefor.

**31.** Where application for a license or a renewal of a license is made during the absence of a Recorder from his office, the applicant may leave with the person in charge of the office his application and such documents as he is required to produce in order to obtain the license or renewal and the prescribed fee, and in every such case the license or renewal when issued shall be as effective as if obtained at the time of the application, and the license shall bear that date. 8 Edw. VII, c. 21, s. 31.

Licensee  
under  
twenty-one  
years of  
age.

**32.** A licensee under the age of twenty-one years shall, in respect of mining claims, mining lands and mining rights and all matters and transactions relating thereto, have the same rights and be subject to the same obligations and liabilities as if he were of full age. 8 Edw. VII, c. 21, s. 32.

Revocation  
of license  
for violation  
of Act.

**33.** The Minister, on the recommendation of the Commissioner, may revoke the license of any licensee who is guilty of a wilful contravention of any of the provisions of this Act, and a license shall not thereafter be issued to such licensee without the authority of the Minister. 8 Edw. VII, c. 21, s. 33.

## PART II.—MINING CLAIMS.—MINERAL IN PLACE.

### WHAT LANDS OPEN.

Where  
licensee  
may pro-  
spect for  
minerals.

**34.** Subject to the provisions herein contained, the holder of a miner's license may prospect for minerals and stake out a mining claim on any:—

(a) Crown lands surveyed or unsurveyed;



(b) Lands, the mines, minerals or mining rights whereof have been reserved by the Crown in the location, sale, patent or lease of such lands; not at the time:—

(i) Under staking or record, as a mining claim which has not lapsed or been abandoned, cancelled or forfeited;

(ii) Under a subsisting working permit; or

(iii) Withdrawn, by any Act, Order in Council or other competent authority from prospecting, location or sale, or declared by any such authority to be not open to prospecting, staking out or sale as mining claims. 8 Edw. VII, c. 21, s. 34.

#### DISCOVERER MAY STAKE OUT A CLAIM.

**35.** A licensee who discovers valuable mineral in place on any land open to prospecting, or a licensee upon whose behalf valuable mineral in place is discovered by another licensee upon any such land, may stake out or have staked out for him a mining claim thereon, and, subject to the other provisions of this Act, may work the same and transfer his interest therein to another licensee; but where the surface rights in the lands have been granted, sold, leased, or located by the Crown, compensation must be made as provided in section 104. 8 Edw. VII, c. 21, s. 35.

When claim  
may be  
staked.

#### LANDS NOT OPEN.

**36.** No mining claim shall be staked out or recorded upon any land transferred to or vested in The Timiskaming and Northern Ontario Railway Commission, without the consent of the Commission, nor except with the consent of the Minister upon any land:—

Lands of  
T. & N. O.  
Ry. Commis-  
sion, etc.

(a) Reserved or set apart as a town site by the Crown;

(b) Laid out into town or village lots on a registered plan by the owner thereof;

(c) Forming the station grounds, switching grounds, yard or right of way of any railway, electric railway or street railway or upon any colonization or other road or road allowance. 8 Edw. VII, c. 21, s. 36.

Lands  
used or  
occupied as  
gardens,  
etc.

**37.**—(1) Notwithstanding that the mines or minerals therein have been reserved to the Crown, no person, mining partnership or company shall prospect for minerals upon that part of any lot used as a garden, orchard, vineyard, nursery, plantation or pleasure ground, or upon which crops which may be damaged by such prospecting are growing, or on that part of any lot upon which is situated any spring, artificial reservoir, dam or waterworks, or any dwelling house, out-house, manufactory, public building, church or cemetery, except with the consent of the owner, lessee or locatee of the surface rights, or by order of the Recorder or the Commissioner, and upon such terms as to him may seem just.

Disputes as  
to lands  
exempt.

(2) If any dispute arises between the intending prospector and the owner, lessee, or locatee as to land which is exempt from prospecting under subsection 1, the Recorder or the Commissioner shall determine the extent of the land which is so exempt. 8 Edw. VII, c. 21, s. 37.

Valuable  
water  
powers not  
included  
in claim.

**38.** A water power, lying within the limits of a mining claim, which at low water mark, in its natural condition, is capable of producing 150 horse power or upwards, shall not be deemed to be part of the claim for the uses of the licensee, and a road allowance of one chain in width shall be reserved on both sides of the water together with such additional area of land as in the opinion of the Recorder or the Commissioner may be necessary for the development and utilization of such water power. 8 Edw. VII, c. 21, s. 38.

Withdrawal  
from  
prospecting  
and sale.

**39.**—(1) The Lieutenant-Governor in Council may withdraw any lands or mining rights the property of the Crown from prospecting and staking out and from sale or lease.

Re-opening  
after with-  
drawal.

(2) The Lieutenant-Governor in Council may re-open for prospecting and staking out and for sale or lease any lands or mining rights so withdrawn, or which have been heretofore withdrawn. 8 Edw. VII, c. 21, s. 39.

Working  
on behalf  
of Crown.

**40.** The Lieutenant-Governor in Council may direct that the mines and minerals in land or mining rights so withdrawn or in any part thereof may be worked by or on behalf of the Crown under and pursuant to regulations to be made by the Minister. 8 Edw. VII, c. 21, s. 40.

41. Land or mining rights so withdrawn, until re-opened by Order in Council, shall remain withdrawn, and shall not be prospected, staked out, occupied or worked except by or on behalf of the Crown. 8 Edw. VII. c. 21, s. 41.

Lands withdrawn not to be prospected or worked.

42.—(1) Every officer appointed or acting under the provisions of this Act, and every assistant of such officer who makes a discovery of valuable mineral upon any lands or mining rights, open to prospecting and staking out as a mining claim, shall stake out and record a parcel thereof of the size and form of a mining claim on behalf of the Crown, and no license shall be required for that purpose.

Duty of officers of the Crown discovering mineral.

(2) No proceeding shall be necessary for such staking out except to plant posts and blaze lines as provided in respect to a mining claim, but the officer or assistant shall mark upon the discovery post and No. 1 post the words "staked out for the Crown," and within the time limited by this Act for recording the claim shall notify the Recorder of the staking out, giving the date of staking out and the description of the property.

Method

(3) The Recorder upon receiving such notice shall enter the parcel of land upon his record book as staked out on behalf of the Crown, and shall mark it upon his map with the letter "C," and after such staking out the parcel shall not be open to staking out or recording. 8 Edw. VII. c. 21, s. 42.

Recording.

43. Land or mining rights staked out on behalf of the Crown, and land or mining rights reserved or withdrawn from prospecting, staking out, or sale as mining claims, may be worked, sold, leased or granted by the Crown or worked under an agreement or arrangement with the Crown in such manner and upon such terms and conditions and for such price as may be provided by Order in Council; and all sales, leases, grants or working agreements heretofore made in respect of any such land or mining rights are hereby ratified and confirmed. 8 Edw. VII. c. 21, s. 43.

Crown may contract for working mining rights under agreement.

#### FOREST RESERVES.

44. No person, mining partnership or company, not the holder of a miner's license, shall use or occupy any of the lands in a Crown Forest Reserve, or prospect for minerals or conduct mining operations therein, and no licensee shall use or occupy any of the lands in a Crown Forest Reserve

Protection of Forest Reserves.

or prospect for minerals or conduct mining operations therein, except in accordance with regulations made under *The Forest Reserves Act*. 8 Edw. VII, c. 21, s. 44.

Mining  
lands not  
to be sold  
on Forest  
Reserve.

45. No lands shall be sold for mining purposes in a Crown Forest Reserve. 8 Edw. VII, c. 21, s. 45.

Mining  
leases on  
Forest  
Reserves.

46.—(1) A lease of lands in a Crown Forest Reserve permitting mining operations therein may be made for a period not exceeding ten years with the right of perpetual renewal for periods of not more than ten years.

(2) Every such lease and every renewal of it shall be subject to such regulations as may from time to time be made by the Lieutenant-Governor in Council. 8 Edw. VII, c. 21, s. 46.

#### LANDS UNDER TIMBER LICENSE.

Conditions  
under which  
exploration  
may be  
allowed on  
timber  
berths.

47. Except as herein otherwise provided, the holder of a miner's license may prospect for minerals on any Crown lands under timber license under and subject to the following provisions:

1. Upon the discovery of valuable mineral in place on any Crown lands under timber license the holder of a miner's license may stake out and record a mining claim thereon, and the Recorder within three days after the application for record shall notify the Minister thereof and the Minister shall thereupon notify the timber licensee.

2 The provisions of this Act with reference to mining operations on the mining claim shall be suspended until it has been decided by the Minister whether mining operations shall be permitted to be carried on, and if the Minister decides that mining operations may be carried on, the time for the performance of the working conditions shall begin on the day fixed by the Minister, of which date notice shall be given to the Recorder and the mining licensee.

3. The Minister may impose such restrictions and limitations as in his judgment may be necessary to protect the interests of the Crown and of all persons concerned.

4. The Lieutenant-Governor in Council may make regulations regarding the carrying on of mining operations on Crown Lands under timber license, but the provisions of subsection 3 of section 188 shall apply to such regulations.

5. The rights conferred upon the holder of a miner's license under this section shall be subject to the payment to the timber licensee of the value of his interest in any timber cut or damaged upon such mining claim, and any dispute between the mining licensee and the timber licensee in respect to the quantity or the value thereof or otherwise shall be disposed of by the Minister, whose decision shall be final. 8 Edw. VII, c. 21, s. 47.

#### PROHIBITING MINING WORK.

48. The Minister, whenever he deems it necessary for the protection of timber or for any other reason, may prohibit the carrying on upon Crown lands of mining work or other operations which would otherwise be lawful under this Act until such time and except in accordance with such restrictions and conditions as he may deem proper. 8 Edw. VII, c. 21, s. 48.

#### SIZE AND FORM OF MINING CLAIMS.

49. A mining claim in unsurveyed territory shall be laid out with boundary lines running north and south and east and west astronomically and the measurements thereof shall be horizontal, and in a township surveyed into lots or quarter sections or subdivisions of a section, a mining claim shall be such part of a lot or quarter section or subdivision of a section as is hereinafter defined, and the boundaries of all mining claims shall extend downwards vertically on all sides. 8 Edw. VII, c. 21, s. 49.

#### *Mining Claims not in a Special Mining Division.*

50.—Except in a Special Mining Division,

(a) A mining claim in unsurveyed territory shall be a square of 40 acres, being 20 chains (1,320 feet) on each side;

(b) Where mining locations the property of the Crown in unsurveyed territory have been surveyed in conformity with any Act into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a mining claim

Size of  
claims.

staked out thereon shall be 20 chains in length by 20 chains in width, and one claim shall comprise the whole of a location 20 chains square. A location 40 chains in length by 20 chains in width may be divided into two mining claims by a line drawn through the centre thereof parallel to one of the shorter boundaries. In the case of a location 40 chains square a claim shall consist of one or other of the following subdivisions: the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter. In a location 80 chains in length by 40 chains in width where the length of the location is north and south, a claim shall consist of the northeast quarter of the north half, the northwest quarter of the north half, the southeast quarter of the north half, the southwest quarter of the north half or any like subdivision of the south half; and where the length of a location is east and west a claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, or the southwest quarter of the east half, or any like subdivision of the west half.

In townships  
surveyed into  
sections  
of 640 acres.

- (c) In a township surveyed into sections of 640 acres subdivided into quarter sections, or subdivisions containing 160 acres or thereabouts, a mining claim shall consist of the northeast quarter, the northwest quarter, the southeast quarter or the southwest quarter of a quarter section or subdivision, and shall contain 40 acres or thereabouts.

Townships  
surveyed  
into lots of  
320 acres.

- (d) In a township surveyed into lots of 320 acres, a mining claim shall consist of the northwest quarter of the north half, the northeast quarter of the north half, the southwest quarter of the north half, the southeast quarter of the north half, or any like subdivision of the south half, and shall contain 40 acres or thereabouts.

Townships  
surveyed  
into lots of  
200 acres.

- (e) In a township surveyed into lots of 200 acres a mining claim shall consist of the northeast quarter, the southwest quarter, the northwest quarter, or the southeast quarter of the lot, and shall contain 50 acres or thereabouts.

- (f) In a township surveyed into lots of 150 acres, a mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of the lot, and shall contain  $37\frac{1}{2}$  acres or thereabouts. Townships surveyed into lots of 150 acres.
- (g) In a township surveyed into lots of 100 acres, a mining claim shall consist of the north half, the south half, the east half, or the west half of the lot, and shall contain 50 acres, or thereabouts. Townships surveyed into lots of 100 acres.
- 8 Edw. VII, c. 21, s. 50.

*Claims in Special Mining Division.*

**51.** In a Special Mining Division,

- (a) A mining claim in unsurveyed territory shall be a rectangle of 20 acres, having a length from north to south of 20 chains (1,320 ft.) and a width from east to west of 10 chains (660 ft.). In unsurveyed territory.
- (b) Where mining locations the property of the Crown in unsurveyed territory have heretofore been surveyed in conformity with the provisions of any Act into blocks of the following dimensions, namely, 20 chains in length by 20 chains in width, 40 chains in length by 20 chains in width, 40 chains square, or 80 chains in length by 40 chains in width, or thereabouts, and the plans and field notes of such locations are of record in the Department, a mining claim staked out thereon shall consist of the east half or the west half of a location 20 chains square, or the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter, of a location 40 chains in length by 20 chains in width; or the west half or the east half of any of the following subdivisions of a location 40 chains square, namely, the northeast quarter, the northwest quarter, the southeast quarter, or the southwest quarter; or the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivision of the southeast quarter, the southwest quarter, or the northwest quarter of a location 80 chains in length by 40 chains in width, or where the length Special mining claims on mining locations heretofore surveyed in unsurveyed territory.

of such location is east and west, of the east half or the west half of the northeast quarter of the east half, the east half or the west half of the southeast quarter of the east half, the east half or the west half of the northwest quarter of the east half, or the east half or the west half of the southwest quarter of the east half, or of a corresponding subdivision of the west half of the location, and every such mining claim shall contain 20 acres or thereabouts.

In township surveyed into sections of 640 acres.

- (c) In a township surveyed into sections of 640 acres, where the sections have been subdivided into quarter sections, or subdivisions, a mining claim shall consist of either the west half or the east half of the northeast quarter, the southeast quarter, the northwest quarter or the southwest quarter of a quarter section or subdivision, and shall contain 20 acres or thereabouts.

In township surveyed into lots of 320 acres.

- (d) In a township surveyed into lots of 320 acres, a mining claim shall consist of the northeast quarter of the northeast quarter, the northwest quarter of the northeast quarter, the southeast quarter of the northeast quarter, or the southwest quarter of the northeast quarter, or any like subdivision of the southeast quarter, the southwest quarter, or the northwest quarter of the lot, and shall contain 20 acres or thereabouts.

In township surveyed into lots of 200 acres.

- (e) In a township surveyed into lots of 200 acres, a mining claim where the side lines of the lots run northerly and southerly, shall consist of the northeast quarter of the north half, the southeast quarter of the north half, the northwest quarter of the north half, the southwest quarter of the north half, or any like subdivision of the south half; and where the side lines of the lots run easterly and westerly, the mining claim shall consist of the northeast quarter of the east half, the northwest quarter of the east half, the southeast quarter of the east half, the southwest quarter of the east half or any like subdivision of the west half, and every such mining claim shall contain 25 acres or thereabouts.

In township surveyed into lots of 160 acres.

- (f) In a township surveyed into lots of 160 acres a mining claim shall consist of the north half or



the south half of the northeast quarter, the northwest quarter, the southeast quarter or the southwest quarter of the lot, and shall contain  $18\frac{3}{4}$  acres or thereabouts.

- (g) In a township surveyed into lots of 100 acres, a mining claim shall consist of the northeast quarter, the southeast quarter, the northwest quarter, or the southwest quarter of a lot, and shall contain 25 acres or thereabouts. 8 Edw. VII, c. 21, s. 51. In township surveyed into lots of 100 acres.

*Irregular Areas, Etc.*

**52.**—(1) In unsurveyed territory an irregular portion of land lying between land not open to be staked out, or bordering on water, may be staked out with boundaries coterminous thereto, but the claim shall be made to conform as nearly as practicable to the prescribed form and area and shall not exceed the prescribed area. Marking boundaries of irregular areas in unsurveyed territory.

(2) In a surveyed township where, by reason of land covered with water being excluded from the area of a lot, quarter section or subdivision of a section, or by reason of the lot, quarter section or subdivision being irregular in form, or from any other cause, it is impossible to stake out a mining claim of the prescribed area in accordance with the foregoing provisions of this Act, the mining claim where practicable shall be of the prescribed form and area and shall have such, if any, of its boundaries as can be so made coincident with boundary lines of the lot, quarter-section or subdivision of a section, and shall have as many as possible of its boundaries which are not so coincident parallel to boundaries of the lot, quarter-section or subdivision which are straight lines, and where necessary to procure the prescribed area the mining claim may extend into any part of the lot or quarter-section or subdivision of a section, but not into any other lot or quarter-section or subdivision of a section, and land lying between land not open to be staked out or between such land and a boundary or boundaries of the lot, quarter-section or subdivision of a section, may be staked out with boundaries coterminous thereto, but the claim shall be made to conform as nearly as practicable to the prescribed form and area and shall not exceed the prescribed area. 8 Edw. VII, c. 21, s. 52. In surveyed township.

(3) In unsurveyed territory land covered with water may be included in a claim in the same way as land not covered with water; and in a surveyed township, land covered Claims including lands covered with water.

with water which would, if not covered with water, have been comprised in the area of the lot, quarter section or subdivision of a section, or have constituted a lot, quarter section, or subdivision of a section, may be included in a claim as if it were in fact part of such lot, quarter section, or subdivision of a section; but wherever a claim includes land covered with water there may be reserved to the Crown, the surface rights in a strip of land along the shore 66 feet in perpendicular width from the water's edge and such other rights of access and passage to, from and over the water as to the Minister may seem desirable, and in the case of navigable water a lease or license only to extract the ore or mineral, and not a patent, shall be granted. 2 Geo. V. c. 8, s. 4.

*Number of Claims Which may be Staked Out.*

Number of  
claims of  
licensee in  
one year.

**53.** Not more than three mining claims may be staked out or applied for in the name of a licensee in any one mining division or in territory not comprised in a mining division during a license year. 8 Edw. VII, c. 21, s. 53; 2 Geo. V, c. 8, s. 5.

STAKING OUT CLAIMS.

Staking out  
and plant-  
ing.  
Discovery  
posts.

**54.—(1)** A mining claim shall be staked out by:—

(a) Planting or erecting upon an outcropping or showing of mineral in place at the point of discovery a discovery post upon which shall be written or placed the name of the licensee making the discovery, the letter and number of his license, and the date of his discovery, and if the discovery is made on behalf of another licensee for and in whose name the claim is to be staked out and recorded, also the name of such other licensee, and the letter and number of his license;

Corner  
posts.

(b) Planting or erecting a post at each of the four corners of the claim, marking that at the northeast corner "No. 1," that at the southeast corner "No. 2," that at the southwest corner "No. 3," and that at the northwest corner "No. 4," so that the number shall be on the side of the post toward the post next following it in the order named;

Particulars  
on No. 1  
post.

(c) Writing or placing on No. 1 post all the particulars required to be upon the discovery post, and also plainly marking thereon the distance and direction therefrom of the discovery post, and if the claim is situated in a township surveyed into lots,

quarter-sections or subdivisions of a section, the part thereof comprised in the claim, mentioning the lot and concession or the section by number;

- (d) Writing or placing on No. 2, No. 3 and No. 4 posts <sup>Marking</sup> the name of the licensee making the discovery <sup>name of</sup> and if the discovery is made on behalf of another licensee for and in whose name the claim is being staked out, also the name of such other licensee; <sup>licensee, etc.</sup> and
- (e) Plainly blazing the trees on two sides only where <sup>Marking</sup> there are standing trees, and cutting the under- <sup>boundaries</sup> brush along the boundary lines of the claim and <sup>and blazing</sup> plainly blazing a line from No. 1 post to the discovery post, or where there are not standing trees, clearly indicating the outlines of the claim, and marking a line from No. 1 post to the discovery post by planting durable pickets, not less than five feet in height thereon at intervals of not more than two chains (132 feet) or by erecting at such intervals monuments of earth or rock not less than two feet in diameter at the base, and at least two feet high, so that the lines may be distinctly seen. <sup>or picketing</sup>

(2) Where at a corner of the claim the nature or con- <sup>Witness</sup> formation of the ground renders the planting or erecting of <sup>post.</sup> a post impracticable, such corner may be indicated by planting or erecting at the nearest practicable point a witness post, which shall bear the same marking as that prescribed for the corner post at that corner together with the letters "W. P." and an indication of the direction and distance of the site of the true corner from the witness post.

(3) Every post shall stand not less than four feet above the <sup>Mode of</sup> ground, and shall be squared or faced on four sides for at <sup>planting,</sup> least one foot from the top, and each side shall measure at <sup>squaring,</sup> least four inches across where squared or faced, but a stand- <sup>etc., of</sup> ing stump or tree may be used as a post if cut off and squared <sup>posts.</sup> and faced to such height and size, and when the survey is made the centre of the tree or stump where it enters the ground shall be taken as the point to or from which the measurement shall be made.

(4) The following diagrams are intended to illustrate the <sup>Form of</sup> method of staking out a claim as mentioned in subsections <sup>claim.</sup> (1) and (2).

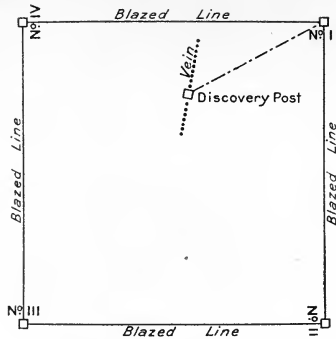


Diagram illustrating s. 54 (1).

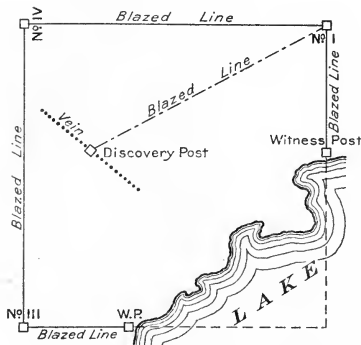


Diagram illustrating s. 54 (2).

8 Edw. VII. c. 21, s. 54.

Staking  
promptly  
after dis-  
covery.

**55.** After a discovery of valuable mineral in place, the licensee, if he desires to stake out a claim thereon, shall at once plant or erect his discovery post and proceed as quickly as is reasonably possible to complete the staking out of the claim, and if he is in fact the first licensee to make a discovery of valuable mineral in place and plant a discovery post thereon no other licensee shall be entitled to stake out or interfere with the property while he is so completing the staking out, but if he fails to proceed with the staking out with such diligence and speed, he shall be liable to lose his

rights in case another licensee makes a discovery of valuable mineral in place upon the property and completes the staking out before him. 8 Edw. VII, c. 21, s. 55.

**56.**—(1) Until a discovery post is planted or erected all licensees shall have equal rights upon land open to prospecting, except that where a licensee has found what he believes to be a vein or deposit of mineral or to be an indication thereof, he may plant or erect not more than 150 feet apart two pickets, at least four feet in height, to be known as prospecting pickets, each marked with the letters "P.P." and his name and license number and letter, and may dig a trench not less than six feet long and six inches deep from each of such pickets along the line running towards the other picket, or where that is impracticable may erect a monument of rock or earth not less than two feet wide at the base and at least two feet high, extending six feet from each picket towards the other picket, and may also blaze the standing trees, if any, along the line between the pickets, and after he has done so, so long as he is diligently and continuously prospecting or following up indications on the block of land extending twenty-five feet on each side of a straight line between the pickets he shall be entitled to the exclusive right to prospect and to make a discovery thereon.

(2) Nothing in subsection (1) shall prevent any other licensee from prospecting anywhere outside the limits of such block of land, and the first licensee to discover valuable mineral in place and stake out a mining claim thereon shall, subject to the other provisions of this Act, be entitled to the claim, and if the claim includes such block of land the rights of such picketing licensee shall cease.

(3) A licensee shall not have more than one block of land picketed at one time, and if he has at any time more than one all his picketings shall be void. 8 Edw. VII, c. 21, s. 56.

**57.**—(1) A licensee or other person who for any purpose does any staking out or plants, erects or places any stake, post, or marking upon any land open to prospecting except as authorized by this Act, or causes or procures the same to be done, or who stakes out or partially stakes out any such lands, or causes or procures the same to be done, and fails to record the staking out with the Recorder within the prescribed time, shall not thereafter be entitled to again stake out such lands or any part thereof, or to record a mining claim thereon, unless he notifies the Recorder in writing of such

staking out, partial staking out, or planting, placing or marking and of his abandonment thereof, and satisfies the Recorder by affidavit that he acted in good faith and for no improper purpose and pays to the Recorder a fee of \$20 and procures from him a certificate stating that the Recorder is satisfied that he so acted.

Entry of  
forfeiture.

(2) The Recorder shall enter every such certificate in his books with the date of its issue.

Substantial  
compliance  
with Act  
sufficient.

**58.** Substantial compliance as nearly as circumstances will reasonably permit with the requirements of this Act as to the staking out of mining claims shall be sufficient. 8 Edw. VII, c. 21, s. 58.

#### APPLICATIONS TO RECORD.

Plan and  
application  
to be fur-  
nished to  
Recorder.

**59.**—(1) A licensee who has staked out a mining claim or upon whose behalf a mining claim has been staked out shall, within fifteen days thereafter or within the further time allowed by subsection (4), furnish to the Recorder an outline sketch or plan of the mining claim, showing the discovery post and corner posts and the witness posts (if any) and their distance from each other in feet, together with an application (Form 4) setting forth the name of the licensee by whom the valuable mineral in place was discovered and of the licensee on whose behalf the application is made and the letters and numbers of their licenses, the name, if any, of the claim, and in the case of unsurveyed territory its locality indicated by some general description and such other information as will enable the Recorder to lay down the claim on his office map, or in the case of a surveyed township, designating the lot, quarter-section or subdivision of a section, and the portion thereof comprised in the claim, the length of the outlines, and if for any reason they are not regular the nature of such reason, the situation of the discovery post as indicated by the distance and direction from No. 1 post, the day and hour when the discovery of valuable mineral in place was made, when the claim was staked out and the date of the application, and with the application shall be paid the prescribed fee.

Application  
for free  
grant.

(2) If a licensee claims to be entitled to a free grant of a mining claim under section 108, he shall, in addition to the application to record the claim, make application (Form 5) for the free grant.

(3) The application and sketch or plan shall be accompanied by an affidavit (Form 6) made by the discovering licensee showing a discovery of valuable mineral in place upon the claim, with particulars of the kind of ore or mineral discovered, and, if possible, the kind of rock enclosing it, the date of the discovery and of the staking out, that the distances given in the application and sketch or plan are as accurate as they could reasonably be ascertained, and that all the other statements and particulars set forth and shown in the application and sketch or plan are true and correct, that at the time of staking out there was nothing upon the lands to indicate that they were not open to be staked out as a mining claim, that the deponent verily believes they were so open and that the staking out is valid and should be recorded, and that there are upon the lands or the lot or part lot or section of which they form a part no buildings, clearing or improvements for farming or other purposes except as set forth in the affidavit; and an applicant for a free grant shall also file an affidavit (Form 7) showing his right thereto.

Affidavit to accompany map, etc.

(4) Where the claim is situate more than ten miles in a straight line from the office of the Recorder for each additional ten miles or fraction thereof an additional day shall be allowed for recording. 8 Edw. VII, c. 21, s. 59.

Additional time allowed in consideration of distance.

(5) Where it appears that there has been an attempt made in good faith to comply with the provisions of this Act, the inclusion of more or less than the prescribed area in a mining claim, or the failure of the licensee to describe or set out in the application, sketch or plan furnished to the Recorder the actual area or parcel of land staked out shall not invalidate the claim. 4 Geo. V. c. 14, s. 2.

Misdescription when not to invalidate claim.

**60.** A licensee by or on whose behalf an application is made to record a mining claim shall at the time of the application produce the license of the licensee by whom the staking out was done and of the licensee by or on whose behalf the application is made to the Recorder, and the Recorder shall endorse and sign upon the back of the last mentioned license a note in writing of the record of the claim, and no such record shall be complete or effective until such endorsement is made unless upon application to or in any case coming before the Commissioner he deems it just that compliance with the requirements of this section should be excused. 8 Edw. VII. c. 21, s. 60.

Endorsement of claims recorded on license.

Licensee  
recording in  
another  
division  
by error.

**61.** If by error a licensee records a mining claim in a division other than that in which the claim is situate the error shall not affect his title to the claim, but he shall within fifteen days from the discovery of the error record the claim in the division in which it is situate, and the new record shall bear the date of the former record, and a note shall be made thereon of the error and of the date of rectification. 8 Edw. VII, c. 21, s. 61.

What to be  
recorded.

**62.**—(1) The Recorder shall forthwith enter in the proper book in his office the particulars of every application to record a mining claim which he deems to be in accordance with the provisions of this Act, unless a prior application is already recorded and subsisting for the same, or for any substantial portion of the same, lands or mining rights, and he shall file the application, sketch or plan and affidavit with the records of his office; and every application proper to be recorded shall be deemed to be recorded when it is received in the Recorder's office, if all requirements for recording have been complied with, notwithstanding that the application may not have been immediately entered in the record book.

Procedure  
when  
refused.

(2) If an application is presented which the Recorder deems to be not in accordance with this Act, or which is for lands or mining rights which or any substantial portion of which are included in a subsisting recorded claim, he shall not record the application, but shall, if desired by the applicant, upon receiving the prescribed fee, receive and file the application, and any question involved may be adjudicated as provided in this Act; but such filing shall not be deemed a dispute of the recorded claim, nor shall it be noted or dealt with as such, unless a dispute verified by affidavit is filed with the Recorder by the applicant or by another licensee on his behalf as in the next following section provided. 8 Edw. VII, c. 21, s. 62; 2 Geo. V, c. 8, s. 6 (1, 2).

Adjudi-  
cation.

Tagging No.  
1 post  
after re-  
cording.

(3) As soon as reasonably possible after the recording of the mining claim, and not later than the expiration of the time for performing the first instalment of work, the holder of the claim shall affix or cause to be affixed securely, to his No. 1 post, a metal tag plainly marked or impressed with the recorded number and letter or letters, if any, of the claim, and in default the claim may be cancelled by the Recorder or Commissioner on the application of any one misled by the lack of such tag. The Recorder on application shall supply such numbered tag free of charge. 2 Geo. V, c. 8, s. 6 (3).



## DISPUTING APPLICATIONS.

**63.**—(1) A dispute (Form 8) verified by affidavit (Form 9) may be filed with the Recorder by a licensee alleging that any recorded claim is illegal or invalid in whole or in part, and if the disputant or the licensee in whose behalf he is acting claims to be entitled to be recorded for or to be entitled to any right or interest in the lands or mining rights, or in any part thereof comprised in the disputed claim, the dispute shall so state, giving particulars; and the Recorder shall, upon payment of the prescribed fee, receive and file such dispute, and shall enter a note thereof upon the record of the disputed claim.

Dispute of  
recorded  
claim.

(2) A copy of the dispute and affidavit shall be left by the disputant with the Recorder who shall not later than the next day after the filing of the dispute transmit such copy by registered post to the recorded holder of the mining claim affected thereby. If the copy is not left, the Recorder may refuse to file or note the dispute or may collect from the disputant ten cents per folio for making the copy.

Copy to be  
sent to  
recorded  
holder.

(3) A dispute shall not be received unless it contains or has endorsed thereon an address for service at some place not more than five miles distant from the Recorder's office, and the provisions of subsections (4) and (5) of section 133 shall apply in respect to service upon the disputant. 8 Edw. VII, c. 21, s. 63 (1)-(3).

Address for  
service of  
disputant.

(4) A dispute shall not be received or entered against any claim after a certificate of record thereof has been granted, nor except by leave of the Commissioner after the validity of the claim has been adjudicated upon by the Recorder or by the Commissioner, or after it has been on record for sixty days and has already had a dispute entered against it; but this amendment is not retroactive and shall not apply to any case where such validity has heretofore been adjudicated upon by the Recorder or by the Commissioner. 8 Edw. VII, c. 21, s. 63 (4); 10 Edw. VII, c. 26, s. 35.

Not to be  
received  
after  
certificate  
issued.

## CERTIFICATE OF RECORD.

**64.** Where a mining claim not within a Complete Inspection Area has been recorded for sixty days and the alleged discovery has not been adversely reported upon by the inspecting officer, or where a mining claim within a Complete Inspection Area has been recorded for sixty days, and the discovery upon which it is based has been inspected

Granting  
certificate of  
record.

and finally allowed, upon application of the holder of the claim, and if there is no dispute standing against the claim and the surface rights compensation, if any, has been paid or secured, the Recorder, unless by reason of an order pending proceeding or other special matter or thing it would be improper to do so, shall give to such holder a certificate of record (Form 10), or if a portion of the claim is unaffected by any of the matters aforesaid he may, if he deems proper, give a certificate of record as to such portion. 8 Edw. VII, c. 21, s. 64.

Effect of  
issue and  
delivery of  
certificate  
of record.

**65.** The certificate of record, in the absence of mistake or fraud, shall be final and conclusive evidence of the performance of all the requirements of this Act, except working conditions, in respect to the mining claim up to the date of the certificate; and thereafter the mining claim shall not in the absence of mistake or fraud be liable to impeachment or forfeiture except as expressly provided by this Act. 8 Edw. VII, c. 21, s. 65.

Cancelling  
certificate  
of record  
issued by  
mistake, etc.

**66.** Where the certificate of record has been issued in mistake or has been obtained by fraud, the Commissioner shall have power to revoke and cancel it on the application of the Crown or an officer of the Bureau of Mines, or of any person interested. 8 Edw. VII, c. 21, s. 66.

#### RIGHTS OF LICENSEE.

Discovery  
of valuable  
mineral  
necessary.

**67.** Subject to the provisions of section 65, a licensee shall not acquire any right to or interest in a mining claim unless a discovery of valuable mineral in place has been made thereon by him or by another licensee on his behalf. 8 Edw. VII, c. 21, s. 67.

Rights in  
claim.

**68.** The staking out or the filing of an application for, or the recording of a mining claim, or all or any of such acts, shall not confer upon a licensee any right, title, interest or claim in or to the mining claim other than the right to proceed, as in this Act provided, to obtain a certificate of record and a patent from the Crown; and prior to the issue of a certificate of record the licensee shall be merely a licensee of the Crown, and after the issue of the certificate and until he obtains a patent he shall be a tenant at will of the Crown in respect of the mining claim. 8 Edw. VII, c. 21, s. 68.

#### ADDRESS FOR SERVICE.

Address for  
service to be  
on applica-  
tion for  
claim, etc.

**69.**—(1) Every application for a mining claim or a working permit and every other application and every transfer or assignment of a mining claim or of any right or interest

acquired under the provisions of this Act shall contain, or have endorsed thereon, the place of residence and post office address of the applicant, transferee or assignee, and also, when he is not a resident in Ontario, the name, residence and post office address of some person resident in Ontario upon whom service may be made.

(2) No such application, transfer or assignment shall be filed or recorded unless it conforms with the provisions of the next preceding subsection. Irregular documents not to be filed.

(3) Another person resident in Ontario may be substituted as the person upon whom service may be made by filing, in the office in which any such application, transfer or assignment is filed or recorded, a memorandum setting forth the name, residence and post office address of such other person and such substitution may be made from time to time as occasion may require. Substituting new agent for service.

(4) Service upon the person named as the person upon whom service may be made, unless another person has been substituted for him under the provisions of subsection 3, and in case of such substitution upon the person substituted, shall have the same effect as service upon the person whom he represents. Service upon agent to be sufficient.

(5) The provisions of the next preceding subsection shall apply to every notice, demand or proceeding in any way relating to a mining claim or to mining rights or to any other right or interest which may be acquired under the provisions of this Act. 8 Edw. VII, c. 21, s. 69. General application of section.

#### TRUSTS, AGREEMENTS AND TRANSFERS.

**70.**—(1) Notice of a trust, express, implied or constructive, relating to any unpatented mining claim, shall not be entered on the record or be received by a Recorder. Claim "in trust."

(2) Describing the holder of the mining claim as a trustee, whether the beneficiary or object of the trust is mentioned or not, shall not impose upon any person dealing with such holder the duty of making any enquiry as to his power to deal therewith, but the holder may deal with the claim as if such description had not been inserted. Describing licensee as trustee etc., effect of.

(3) Nothing in this section shall relieve the holder of the mining claim, who is in fact a trustee thereof or of any part or share thereof or interest therein, from liability Saving rights of others.

as between himself and any person, mining partnership or company for whom he is a trustee, but such liability shall continue as if this section had not been enacted, nor shall any provision in this Act relieve the holder from any personal liability or obligation. 8 Edw. VII, c. 21, s. 70.

Necessity  
for writing  
signed.

**71.**—(1) No person shall be entitled to enforce any claim, right or interest, contracted for or acquired before the staking out, to or in or under any staking out or recording of a mining claim or of any mining lands or mining rights done in the name of another person unless the fact that such first-mentioned person is so entitled is made to appear by a writing signed by the holder of the claim or by the licensee by whom or in whose name the staking out or recording was done, or the evidence of such first-mentioned person is corroborated by some other material evidence, and where a right or interest is so made to appear the provisions of the Statute of Frauds shall not apply.

In cases  
before stak-  
ing out.

In cases  
after stak-  
ing out.

(2) No person shall be entitled to enforce any contract, made after the staking out, for sale or transfer of a mining claim or any mining lands or mining rights, or any interest in or concerning the same, unless the agreement or some note or memorandum thereof is in writing signed by the person against whom it is sought to enforce the contract or by his agent thereunto by him lawfully authorized. 8 Edw. VII, c. 21, s. 71.

Transfer,  
form of.

**72.** A transfer of an unpatented mining claim or of any interest therein may be in Form 11 and shall be signed by the transferor or by his agent authorized by instrument in writing. 8 Edw. VII, c. 21, s. 72.

#### RECORDING DOCUMENTS.

Prerequi-  
sites for  
recording  
instruments

**73.** Except as in this Act otherwise expressly provided, no transfer or assignment of or agreement or other instrument affecting a mining claim or any recorded right or interest acquired under the provisions of this Act, shall be entered on the record or received by a Recorder unless the same purports to be signed by the recorded holder of the claim or right or interest affected, or by his agent authorized by recorded instrument in writing, nor shall any such instrument be recorded without an affidavit (Form 12) attached to or endorsed thereon, made by a subscribing witness to the instrument. 8 Edw. VII, c. 21, s. 73.

**74.** After a mining claim or any other right or interest <sup>Priority.</sup> acquired under the provisions of this Act has been recorded every instrument other than a will affecting the claim or any interest therein shall be void as against a subsequent purchaser or transferee for valuable consideration without actual notice unless such instrument is recorded before the recording of the instrument under which the subsequent purchaser or transferee claims. 8 Edw. VII, c. 21, s. 74.

**75.** The recording of an instrument under this Act shall constitute notice of the instrument to all persons claiming <sup>Recording to be actual notice.</sup> any interest in the claim subsequent to such recording, notwithstanding any defect in the proof for recording, but nevertheless it shall be the duty of the Recorder not to record an instrument except upon the proof required by this Act. 8 Edw. VII. c. 21, s. 75.

**76.** Priority of recording shall prevail unless before the prior recording there has been actual notice of the prior instrument by the party claiming under the prior recording. <sup>Where actual notice to prevail.</sup> 8 Edw. VII, c. 21, s. 76.

**77.—(1)** The Recorder shall enter upon the record of any unpatented mining claim or other recorded right or interest a note of any order or decision made by him affecting the same, giving its date and effect and the date of the entry; and he shall upon receiving with the prescribed fee an order or decision of the Commissioner, or an order, judgment or certificate in an appeal from him, or a certified or sworn copy thereof, file the same and enter a note thereof upon the record of the claim or right or interest affected thereby. <sup>Recording orders and judgments.</sup>

(2) In a proceeding calling in question any interest in an unpatented mining claim or other recorded right or interest the Commissioner or Recorder may issue a certificate (Form 13) and upon receipt thereof and payment of the prescribed fee the Recorder shall file and note it as herein above directed. <sup>Recording certificate of his pendens.</sup>

(3) The filing of a certificate shall be actual notice to all persons of the proceeding. <sup>Filing certificate to be notice.</sup>

(4) The certificate, and the filing and noting thereof, shall be of no effect for any purpose whatever after the expiration of ten days from the date of filing unless within that time an order continuing the same is obtained from the Commissioner or the Recorder, and any person interested may at any time apply to the Commissioner for an order vacating the certificate. 8 Edw. VII, c. 21, s. 77. <sup>Duration of certificate of his pendens.</sup>

Executions  
against  
claims, en-  
tering note  
of.

(5) A copy of a writ of execution certified by the sheriff of the county or district to be a true copy of a writ in his hands may be filed with the Recorder, and the Recorder, upon receiving the prescribed fee and being given the number or description of the claim, shall enter a note of such execution upon the record of each claim of which the execution debtor is the recorded holder or in which he has a recorded interest, and from and after, but not before, such entry, the execution shall bind all the right or interest of the execution debtor in the claim, and after such entry the sheriff shall have power to sell and realize upon such right or interest in the same way as goods and chattels may be sold and realized upon under execution, and a transfer from the sheriff to the purchaser may, upon the latter becoming, if he is not before, a licensee, be recorded in like manner and with the same effect as a transfer from the execution debtor.

Certified  
copy, fee  
therefor.

(6) Such certified copy of the writ of execution may be obtained from the sheriff on payment of a fee of \$1, which fee, together with the fee paid for recording the same, shall be added to the execution debt.

Renewal of  
execution.

(7) After entry of such execution upon the record of the claim the sheriff or the execution creditor may do anything which the execution debtor could do to keep the claim or interest in or restore it to good standing, and shall be entitled to add the necessary expense thereof to the execution debt.

Discharge  
of execu-  
tion.

(8) Such execution may be discharged by recording a certificate from the sheriff that it has been satisfied, or by recording a release from the execution creditor, or by obtaining and filing an order of the Commissioner directing its removal. 2 Geo. V. c. 8, s. 7.

#### WORKING CONDITIONS

Working  
conditions  
on mining  
claims.

**78.**—(1) The recorded holder of a mining claim shall perform or cause to be performed thereon work which shall consist of stripping or opening up of mines, sinking shafts or other actual mining operations as follows:—

Amount.

- (a) During the three months immediately following the recording, to the extent of thirty days of not less than 8 hours per day;
- (b) During each of the first and second years following the expiration of such three months, to the extent of 60 days of not less than 8 hours per day;

- (c) During the third year following the expiration of such three months, to the extent of not less than 90 days of 8 hours per day.

(*As amended by the Mining Amendment Act, 1914, s. 3*)  
(1).)

(2) The work may be completed in a less period of time than herein specified. If more work is performed by or on behalf of the recorded holder than is herein required during the first three months or in any subsequent year, the excess upon proof of the same having been performed shall be credited by the Recorder upon the work required to be done during any subsequent year. 8 Edw. VII. c. 21, s. 78 (1), (2). Work done within earlier period, and allowance for excess.

(3) Boring by diamond or other core drill shall count as work at the rate of two days' work for every foot of boring in solid formation. 2 Geo. V. c. 8, s. 8. Drilling.

(4) The recorded holder of a mining claim shall, not later than 10 days after each of the periods specified, make a report (Form 14) as to the work done, or caused to be done, by him during such period, verified by affidavit (Form 15). but a report shall not be required for any period in which in consequence of the work having been previously done and reported no work has been done. The report shall show in detail the names and residences of the men who performed the work and the dates upon which each man worked in its performance. 8 Edw. VII. c. 21, s. 78 (3); 10 Edw. VII. c. 26, s. 45 (1); and 4 Geo. V. c. 14, s. 3 (2). Report of holder upon work.

(5) The Recorder if satisfied that the prescribed work has been duly performed may grant a certificate (Form 16), but he may first, if he deems proper, inspect or order the inspection of the work, or otherwise investigate the question of its sufficiency, and such certificate, in the absence of fraud or mistake, shall be final and conclusive evidence of the due performance of the work therein certified, but where it has been issued in mistake or obtained by fraud the Commissioner shall have power to revoke and cancel it upon the application of the Crown or an officer of the Bureau of Mines or any person interested. Certificate of performance.

(6) The decision of the Commissioner as to the due performance of work shall be final. 8 Edw. VII. c. 21, s. 78 (4); 10 Edw. VII. c. 26, s. 45 (3).

Decision of Commissioner final.

Performance  
of work on  
contiguous  
claims.

(7) A licensee who has given notice (Form 17) to the Recorder of his intention to perform all the work required to be performed in respect of not more than three contiguous mining claims upon one or two of them, may perform such work upon the claim or claims so specified and the report and affidavit as to work may be made accordingly.

Certain  
work not  
regarded.

(8) The construction of houses or roads or other like improvements shall not constitute "actual mining operations" within the meaning of this section. 8 Edw. VII. c. 21, s. 78 (5)-(6).

*Computation of time—Extensions.*

Periods ex-  
cluded in  
computing  
time for per-  
formance of  
working con-  
ditions.

**79.** In computing the time within which work upon a mining claim is required to be performed, the following periods of time shall be excluded:—

- (a) All time which by an Order in Council or regulation is excluded;
- (b) In a Forest Reserve the time elapsing between the delivery by the holder of a mining claim to the Bureau of Mines of an application to work upon the same and the granting of such permission;
- (c) In the case of lands under timber license the time during which working conditions are suspended under section 47;
- (d) The time during which mining operations are prohibited by the Minister under section 48. 8 Edw. VII. c. 21, s. 79.
- (e) For the first instalment of work the time between the 16th of November and the 15th of April, both days inclusive, but this shall not have the effect of extending the time for performance of any subsequent instalment of work, and shall not alter the meaning of the word "expiration" in subsection (1) of section 78. 2 Geo. V. c. 8, s. 9.

Extension  
of time for  
performance.

**80.—**(1) If by reason of pending proceedings or of the death or incapacity from illness of the holder of a mining claim the work is not performed within the prescribed time, the Recorder may from time to time extend the time for the performance of such work for such period as he may deem reasonable and he shall forthwith enter a note of every such extension on the record of the claim.



(2) Work performed within any such extended period shall be deemed to have been duly performed under section 78. 8 Edw. VII. c. 21, s. 80. Work done during extension.

**81.**—(1) Where two or more persons are the holders of an unpatented mining claim, each of them shall contribute proportionately to his interest, or as they may otherwise agree between themselves, to the work required to be done thereon. In case of default by any holder the Commissioner upon the application of any other holder and upon notice to and after hearing all persons interested or such of them as appear, may make an order vesting the interest of the defaulter in the other co-owners upon such terms and conditions and in such proportions as he may deem just. Proportionate contribution by co-owners.

(2) Subsection 1 shall apply to all mining claims staked out or applied for on or after the 14th day of May, 1906, or before that day under regulations made under the authority of *The Mines Act*, being chapter 36 of the Revised Statutes of Ontario, 1897. 8 Edw. VII. c. 21, s. 81. Application of subsection (1).

#### ABANDONMENT.

**82.**—(1) A licensee may, at any time, abandon a mining claim by giving notice in writing (Form 18) to the Recorder of his intention so to do. Right of licensee to abandon.

(2) The Recorder shall enter a note of such abandonment upon the record of the claim, with the date of the receipt of the notice, and shall forthwith post up in his office a notice of the abandonment, marked with the date of the posting up thereof, and thereupon all interest of the licensee in such claim shall cease and determine, and the claim shall on and after, but not before, the eleventh day after such posting up, inclusive of the day of posting up, be open for prospecting and staking out. 8 Edw. VII, c. 21, s. 82; 2 Geo. V. c. 8, s. 10. Entry of note of abandonment.

**83.** Non-compliance by the licensee with any requirement of this Act as to the time or manner of the staking out and recording of a mining claim or with a direction of the Recorder in regard thereto, within the time limited therefor, shall be deemed to be an abandonment, and the claim shall, without any declaration, entry or act on the part of the Crown or by any officer, unless otherwise ordered by the Commissioner, be forthwith open to prospecting and staking out. 8 Edw. VII. c. 21, s. 83; 9 Edw. VII. c. 26, s. 31 (1). Effect of non-compliance with Act or direction of Recorder as abandonment.

## FORFEITURE.

Causes of  
forfeiture  
of mining  
claim.

84.—(1) Except as provided by section 85, all the interest of the holder of a mining claim before the patent thereof has issued shall, without any declaration, entry or act on the part of the Crown or by any officer, cease, and the claim shall forthwith be open for prospecting and staking out:—

- (a) If the license of the holder has expired, and has not been renewed;
- (b) If without the consent in writing of the Recorder or Commissioner, or for any purpose of fraud or deception or other improper purpose, the holder removes or causes or procures to be removed any stake or post forming part of the staking out of such mining claim, or for any such purpose changes or effaces or causes to be changed or effaced any writing or marking upon any such stake or post;
- (c) If the prescribed work is not duly performed;
- (d) If any report under subsection (3) of section 78 is not made and deposited with the Recorder as therein required;
- (e) If the application and payment for the patent required by sections 106 and 107 are not made within the prescribed time. 8 Edw. VII. c. 21, s. 84 (1); 9 Edw. VII. c. 26, s. 31 (2).

Proceedings  
as to for-  
feiture.

(2) No person other than the Minister or an officer of the Bureau of Mines or a licensee interested in the property affected shall be entitled to raise any question of forfeiture except by leave of the Commissioner. Proceedings raising questions of forfeiture shall not be deemed to be or be entered as disputes under section 63. 8 Edw. VII. c. 21, s. 84 (2); 2 Geo. V. c. 8, s. 11.

Forfeiture  
of claims,  
when relief  
may be  
granted.

85.—(1) Where compliance with any of the requirements mentioned in section 84 has been prevented by pending proceedings, or incapacity from illness of the holder, or other good cause shown, the Commissioner within three months after default may upon such terms as he may deem just make an order relieving the person in default from the forfeiture or loss of rights, and upon compliance with the terms, if any, so imposed, the interest or rights forfeited

or lost shall revert in the person so relieved, but as a term of such order in the case mentioned in clause (a) of subsection (1) of section 84 the holder of the claim shall obtain a special renewal license, which shall be so marked and which shall be issued only on payment of twice the prescribed license fee, and in the case mentioned in clause (d) of the said subsection the holder shall file a proper report and pay therewith a special fee of \$25.

(2) The Recorder, upon any forfeiture or abandonment of or loss of rights in a mining claim, shall forthwith enter a note thereof, with the date of entry, upon the record of the claim, and mark the record of the claim "Cancelled," and shall forthwith post up in his office a notice of cancellation. 4 Geo. V. c. 14, s. 4. Record of forfeiture.

(3) Forfeiture or loss of rights under section 84 arising on or after the 4th day of August, 1914, shall be avoided if the recorded holder of an interest in a mining claim has enlisted for active service at home or overseas against the King's enemies. The relief hereby granted shall extend to the 1st day of January, 1916, and so long thereafter as the Lieutenant-Governor in Council may direct. 5 Geo. V. c. 13, s. 4. Forfeiture avoided where failure to comply with conditions due to enlistment.

**86.** The Lieutenant-Governor in Council, upon the recommendation of the Minister, and the report of the Commissioner, may upon such terms, if any, as to compensation in respect of any intervening right or otherwise as he may deem just, relieve against any forfeiture or loss of rights under section 84 which he deems to be a hardship and re-vest the forfeited right or interest in the person who would but for the forfeiture have been entitled thereto. 8 Edw. VII. c. 21, s. 86. (As amended by 4 Geo. V. c. 14, s. 5.) Relief against forfeiture by Lieutenant-Governor in Council.

**87.** In the case of joint holders where the interest of a holder has ceased by reason of the expiration of his license, such interest shall, if the Minister so directs, pass to and vest in the other holders in proportion to their interests in the claim. 8 Edw. VII. c. 21, s. 87. Interest of joint holder on expiry of his license.

**88.** Where a licensee in whose name a mining claim has been staked out dies before the claim is recorded, and where the holder of a claim dies before issue of a patent for the claim, no other person shall, without leave of the Commissioner, be entitled to stake out or record a mining claim upon any part of the same lands or to acquire any right, privilege or interest in respect thereof within twelve months after the death of such licensee or holder, and the Commissioner may within such twelve months make such order as may seem just Death of licensee before record or of holder before patent.

for vesting the claim in the representatives of such holder notwithstanding any lapse, abandonment, cancellation, forfeiture or loss of rights under any provision of this Act. 8 Edw. VII. c. 21, s. 88.

#### INSPECTION OF CLAIMS.

**Inspection by Commissioner, Recorder or Inspector.**

**89.**—(1) The Commissioner or the Recorder may inspect or order an inspection of and an Inspector or other officer appointed by the Minister may inspect a mining claim at any time with or without notice to the holder for the purpose of ascertaining whether the provisions of this Act have been complied with, but after the granting of the Certificate of Record no such inspection shall, except by order of the Commissioner, be made for the purpose of ascertaining whether a discovery of valuable mineral in place has been made or whether the claim has been staked out in the prescribed manner.

**Application by holder for re-inspection.**

(2) Unless notice of the inspection has been given to the holder of the claim at least seven clear days prior thereto, either personally or by registered letter addressed to him at his address appearing on record in the Recorder's books, he may apply to the Commissioner or to the Recorder for a re-inspection and the same shall be granted if it appears that the holder of the claim has been prejudiced by the want of notice.

**View or inspection in disputes, appeals, etc.**

(3) The Commissioner or Recorder may in any dispute, appeal or other proceeding before him make or order with or without notice a view or inspection of any mining claim or of any lands or other property. 8 Edw. VII. c. 21, s. 89.

**"Complete Inspection Area."**

**90.**—(1) Every Special Mining Division and every other part of Ontario which may be so designated by Order in Council published in the *Ontario Gazette* shall constitute and be known as a "Complete Inspection Area."

**Certificate not to be granted before discovery allowed.**

(2) A Certificate of Record of the staking out of a mining claim in a Complete Inspection Area shall not be granted by the Recorder until the alleged discovery of valuable mineral upon which the application for the claim is based has been inspected and finally allowed.

**Immediate inspection.**

(3) Upon a special application in writing the Recorder may direct immediate inspection of the discovery.

**New areas subject to inspection.**

(4) Upon the establishment of a new Complete Inspection Area or upon the addition of territory to a Complete Inspection Area, all uninspected claims then existing therein shall be subject to the provisions of this section.

(5) The limits of any Complete Inspection Area may by Order in Council published in the *Ontario Gazette* be altered or the whole or any part thereof withdrawn from the operation of this section. Alteration of limits.

(6) An Order in Council under this section shall take effect from the date of the first publication thereof in the *Ontario Gazette*. 8 Edw. VII. c. 21, s. 90. Publication of Order in Council.

**91.**—(1) A report of each inspection except when made merely for the purpose of a dispute, appeal or other proceeding shall be made in writing by the inspecting officer and shall be filed in the office of the Recorder, who shall forthwith enter upon the record of the claim a note stating the effect of the report and the date of the entry. Filing and entry of report of inspection.

(2) If the Recorder deems that upon the report the claim should be cancelled he shall mark the record of the claim "Cancelled" and affix his signature or initials and shall by registered letter mailed not later than the next day notify the holder of the claim and the disputant and other interested parties, if any, of the receipt and effect of the report, and where the claim is cancelled in consequence of the report the notice shall so state. Cancelling claim upon report.

(3) An appeal from the cancellation of the claim or from the entry by the Recorder in his record book of the allowance of the discovery may be taken to the Commissioner by the holder of the claim or by the disputant or other interested party, within the time and in the manner provided by section 133. Appeal from cancellation or allowance to the Commissioner.

(4) Upon the cancellation of a claim under this section the Recorder shall forthwith post up in his office a notice of the cancellation, and the land or mining rights comprised in such claim shall thereupon, unless withdrawn from prospecting and staking out, be again open to prospecting and staking out, but such staking out shall be subject to the result of any appeal by a licensee whose claim has been cancelled. 8 Edw. VII. c. 21, s. 91. Effect of cancellation.

**92.** After a discovery has been inspected and allowed as a discovery of valuable mineral in place, and the allowance entered by the Recorder upon the record of the claim, it shall upon the expiration of the time for appeal from the report of inspection or upon the final allowance thereof upon appeal be deemed conclusively to be a discovery of valuable mineral in place, and the sufficiency of such discovery shall not thereafter be called in question in any cause, matter or proceeding in any Court or under this Act. 8 Edw. VII. c. 21, s. 92. When discovery to be deemed conclusive.

Right of holder to copy of report.

**93.** The holder of a mining claim or the disputant or other person interested shall be entitled on payment of the prescribed fee to receive from the Recorder a certified copy of any report of inspection of the claim filed with him. 8 Edw. VII. c. 21, s. 93.

WORKING PERMITS.

Right to obtain working permit on staking out area.

**94.—(1)** A licensee may obtain a working permit giving him, for the purpose of prospecting for minerals, the exclusive possession of an area of land open to prospecting and staking out, such area being of the form and acreage prescribed for a mining claim, by proceeding in the following manner:

- (a) By staking the corners and marking the boundaries of such area and placing numbers and particulars upon the posts in the same manner as far as possible as is provided in section 54 in respect to mining claims, omitting only what is provided in respect of discovery and the discovery post, but the words "working permit applied for" shall be written or placed on No. 1 post and each post shall be notched with three rings of notches not less than  $\frac{1}{4}$  inch deep and not less than 2 inches apart, beginning about 2 inches from the top of the post.
- (b) By furnishing to the Recorder within 15 days after the staking out an application in duplicate (Form 19), together with a map or plan, in duplicate, indicating generally and as definitely as possible the location of the area by reference to some ascertained boundary or locality, together with an affidavit (Form 20), stating the name of the licensee on whose behalf the application is made, and the letter and number of his license, the locality of the area as indicated by some general description and statement, and such other information as will enable the Recorder to lay down the area on his office map, and the time when the area was staked out, that at the time the area was staked out there was nothing on it to indicate that it was not open to be staked out for a working permit, that the deponent knows of no reason why the working permit should not be granted and that he verily

believes the applicant is entitled under the provisions of this Act to make the application. Where the area is situated more than ten miles in a straight line from the office of the Recorder, an additional day shall be allowed for furnishing the application for each additional ten miles or fraction thereof.

(c) By procuring from the Recorder a certificate of the application (Form 21) and securely affixing the same to No. 1 post within three days after the granting of the certificate, and where the area is more than ten miles in a straight line from the office of the Recorder an additional day shall be allowed for each additional ten miles or fraction thereof.

(d) By paying or securing to the owner of the surface rights in the case of land the surface rights of which have been theretofore granted, sold, leased or located, compensation for the injury or damage arising from the prospecting of such land, as prescribed by section 104.

(2) Upon compliance with the provisions of subsection (1) and payment of the prescribed fee, the applicant shall, after sixty days and within seventy days from the staking out of the area, procure from the Recorder a working permit (Form 22), which shall be for a period of six months from the date of its issue. <sup>When working permit may issue.</sup> Provided that in case the granting of a working permit is prevented by the recording of a mining claim after the property was staked out for the working permit or by any pending dispute or by failure of the applicant after reasonable diligence to arrange with the owner of any surface rights as to the compensation the Recorder or the Commissioner may, notwithstanding the lapse of the seventy days, order the granting of the working permit. 8 Edw. VII. c. 21, s. 94. <sup>Proviso.</sup>

**95.** The Recorder shall post up in his office a notice (Form 23) of every application for a working permit. <sup>Posting application.</sup> 8 Edw. VII. c. 21, s. 95.

**96.** A licensee shall not apply for or hold in any license year more than three working permits in any one mining division, or in territory not comprised in any mining division. <sup>Number of permits which may be granted.</sup> 8 Edw. VII. c. 21, s. 96.

Rights of  
other  
licensees.

**97.** Until a working permit has been granted, and a notice thereof (Form 24) has been affixed to No. 1 post, the area included in the application shall be subject to prospecting and staking out as a mining claim by any licensee, but thereafter during the continuance of the working permit or the renewal thereof, if any, the holder thereof shall have the exclusive right to prospect and stake out on such area. Provided that at any time after the expiration of 60 days from the staking out where it seems just the Commissioner or the Recorder may order that the area shall not be open to prospecting or staking out until the working permit application has been disposed of, and such order shall be effective as soon as a duplicate or certified copy thereof is affixed to the No. 1 post. 8 Edw. VII. c. 21, s. 97.

Application  
of other  
provisions  
as to min-  
ing claims.

**98.** Except as otherwise expressly provided, a licensee staking out an area of land for a working permit shall in all respects be subject to the same restrictions and conditions as to prospecting and staking out as are applicable to a licensee prospecting and staking out a mining claim, and without limiting the general application of this section, sections 34, 36 to 41, subsection 3 of section 42, sections 44 to 52, 57, 58, 60 to 63, 69 to 77 and 79 to 89, so far as they can be made applicable, and modified so far as may be necessary, shall apply to an application for a working permit and to a working permit when granted. 8 Edw. VII. c. 21, s. 98.

Working  
conditions  
of working  
permit.

**99.** Commencing not later than the expiration of two weeks after the granting of a working permit, the holder shall perform upon the area described in the working permit work consisting of searching for minerals by sinking shafts or pits, digging trenches, making cross-cuts, boring by diamond or other drill, or other *bona fide* operations of a like kind to the extent of five days of eight hours per day in each week. Provided that he may perform such work during a lesser period than six months, but so that the amount of work performed shall not at any time be less than that herein prescribed. But no work shall be required to be done between the 16th of November and the 15th of April, both days inclusive. 8 Edw. VII. c. 21, s. 99; 2 Geo. V. c. 8, s. 13.

No work  
need be  
done be-  
tween 16th  
November  
and 15th  
April.

Transfer of  
working  
permit.

**100.** A working permit may be transferred (Form 25), and upon the transfer being recorded the transferee shall be entitled to the unexpired term of the working permit and any right of renewal thereof. 8 Edw. VII. c. 21, s. 100.

Right to  
renewal of  
working  
permit.

**101.** The Recorder may grant to the holder of a working permit who has complied with the requirements of this Act



one renewal thereof (Form 26), for a period of six months, but the renewal shall be subject to the same requirements as to work to be performed and otherwise as the original working permit. 8 Edw. VII. c. 21, s. 101.

**102.** If the holder of a working permit makes a discovery of valuable mineral in place upon the area of land included therein he may stake out and record a mining claim thereon and the necessary variations may be made in the application for the recording of the claim and in the affidavit to be filed therewith. 8 Edw. VII. c. 21, s. 102.

Staking out claim on working permit area.

**103.** The decision or order of the Commissioner in respect of a working permit or of an application therefor or as to any right or interest thereunder or affected thereby shall be final and shall not be subject to appeal. 8 Edw. VII. c. 21, s. 103.

Decisions of Commissioner to be final.

#### SURFACE RIGHTS COMPENSATION.

**104.**—(1) Where the surface rights of land have been granted, sold, leased, or located, or where land is occupied by a person who has made improvements thereon which in the opinion of the Minister entitle him to compensation, a licensee who prospects for mineral, or stakes out a mining claim or an area of land for a working permit or a boring permit, or carries on mining operations, upon such land, shall compensate the owner, lessee, locatee, or occupant, for all injury or damage which is or may be caused to the surface rights by such prospecting, staking out or operations, and in default of agreement the amount and the manner and time of payment of compensation shall be determined by the Commissioner upon application to him after notice to the persons interested, and, subject where the amount awarded exceeds \$1,000 to appeal to a Divisional Court, his order shall be final and may be enforced as provided in section 132 of this Act. 8 Edw. VII. c. 21, s. 104.

Right of owner of surface rights to compensation.

(2) The Commissioner may order the giving of security for payment of the compensation and may prohibit, pending the determination of the proceeding or until the compensation is paid or secured, further prospecting, staking out or working by such licensee or any person claiming under him.

Prohibiting work pending settlement.

(3) Where an order is made prohibiting the prospecting, staking out or working of a mining claim under the provisions of subsection 2, no other licensee shall have the right to prospect or stake out a mining claim to the prejudice of the prohibited licensee while the proceeding is pending.

Other licensees not to prospect, etc., pending proceedings.

(4) The compensation shall be a special lien upon any mining claim or other right or interest acquired by the licensee or any person claiming under him in the lands so prospected, staked out or worked, and no further prospecting, staking out or working, except by leave of the Commissioner, shall be done by the licensee or any person claiming under him after the time fixed for the payment or securing of the compensation, unless such compensation has been paid or secured as directed. 8 Edw. VII. c. 21, s. 104.

Reduction  
in area of  
claim where  
surface  
rights have  
been sold.

**105.** The Commissioner or the Recorder may reduce the area of any mining claim staked out where the surface rights have been granted, sold, leased or located, if in his opinion an area less than the prescribed area is sufficient for working the mines and minerals therein. 8 Edw. VII. c. 21, s. 105.

#### ISSUE OF PATENT FOR MINING CLAIM.

Right to patent  
of claim.

**106.**—(1) Upon compliance with the requirements of this Act and upon payment of the purchase price as provided in section 107, or rental fixed by regulation made by the Lieutenant-Governor in Council, the holder of a mining claim shall be entitled to a patent or lease as the case may be, for the claim. (*As amended by 5 Geo. V. c. 13, s. 5.*)

Time for  
making  
application  
for patent.

(2) The application for a patent or lease shall be made to the Recorder within nine months from the date before which all work on a mining claim is required to be performed. 5 Geo. V. c. 13, s. 6 (2).

Price to be  
paid for  
patent.

**107.** The price per acre of Crown lands patented as mining claims shall be \$3 in surveyed territory and \$2.50 in unsurveyed territory, and the price per acre for mining rights and quarry claims so patented shall be one-half the price payable for Crown lands. 8 Edw. VII. c. 21, s. 107.

When  
right to  
free patent.

**108.** A licensee who is the first discoverer of valuable mineral in place upon land not in a Crown Forest Reserve at a point not less than five miles from the nearest known mine, vein, lode or deposit of the same kind of mineral and who has staked out a mining claim thereon and has complied with the requirements of this Act shall be entitled to a patent without payment of the price fixed by the next preceding section. 8 Edw. VII. c. 21, s. 108.

Reservation  
for roads  
in patents.

**109.** In all patents for mining claims within the Districts of Algoma, Thunder Bay, Rainy River, Manitoulin, Sudbury and Timiskaming, and that part of the District of Nipissing which lies north of the French River, Lake Nipis-

sing and the River Mattawan there shall be a reservation for roads of 5 per centum of the quantity of land granted and the Crown or its officers may lay out roads on such mining claims where deemed proper. 8 Edw. VII. c. 21, s. 109.

**110.** Every patent for Crown lands or mining rights by which it is intended to vest in the patentee the mines and minerals therein or any part thereof or any rights in connection therewith, shall state that it is issued in pursuance of this Act, or of the former Act under which it is issued. 8 Edw. VII. c. 21, s. 110.

**111.** Every patent of Crown lands which purports to be issued in pursuance of this Act shall unless otherwise expressly stated vest in the patentee for the estate thereby granted all title of the Crown in such land and all mines and minerals therein. 8 Edw. VII. c. 21, s. 111.

**112.—(1)** Every patent of Crown lands sold or granted as mining lands shall contain a reservation of all pine trees and such pine trees shall continue to be the property of the Crown, and any person holding a license from the Crown to cut timber on such land may at all times during the continuance of the license enter upon the land and cut and remove such trees and may make all necessary roads for that purpose; provided that the patentee may cut and use such trees as may be necessary for the purpose of building, fencing and fuel on the land so patented, or for any other purpose necessary for the working of the mines therein, and may also cut and dispose of all trees required to be removed in clearing such part of the land as may be necessary for mining purposes, but subject as regards pine trees to the payment of the value thereof to the Crown or to the timber licensee or other person authorized to cut such pine trees, as the case may be. Provided, however, that where such land heretofore or hereafter granted is not under timber license or in a Forest Reserve, the owner thereof may without payment of Crown dues cut thereon and use for mining purposes thereon or on any adjoining lands owned by him any trees of the variety *Pinus Banksiana*, commonly known as "jack-pine."

(2) Any dispute between the patentee or those claiming under him and the timber licensee or other person interested with regard to the quantity or value of the pine timber so cut or disposed of or otherwise regarding the trees cut shall be determined by the Minister, whose decision shall be final.

(3) This section shall not confer upon the patentee of mining rights only any right to cut timber upon the land described in the patent. 8 Edw. VII. c. 21, s. 112; 2 Geo. V. c. 8, s. 14.

## SURVEY OF CLAIM BEFORE ISSUE OF PATENT.

Survey of  
claim in un-  
surveyed  
territory  
before patent  
issues.

**113.**—(1) Before a patent of a mining claim in unsurveyed territory is issued the claim shall be surveyed by an Ontario Land Surveyor at the expense of the applicant who shall furnish to the Recorder with his application the surveyor's plan in duplicate, field notes and description showing a survey in conformity with this Act and to the satisfaction of the Minister.

Mode of  
survey.

(2) In surveying a mining claim in unsurveyed territory the surveyor shall run the boundaries of the claim, by running straight lines, from No. 1 post at the northeast angle of the claim to No. 2 post at the southeast angle thereof, from No. 2 post to No. 3 post at the southwest angle thereof, and from No. 3 post to No. 4 post at the northwest angle thereof, and from No. 4 post to No. 1 post.

Marking  
boundaries.

(3) The surveyor shall mark out the side lines on the ground by blazing the adjacent trees distinctly on three sides, one blaze on each side in the direction of the line and one on that side by which it passes. 8 Edw. VII. c. 21, s. 113 (1-3).

Surveyors'  
posts on  
claims.

(4) He shall plant at each angle of the claim an iron post with the recorded number and letter or letters, if any, of the claim permanently marked thereon, and at or near each iron post shall also plant a large wooden guide post marked with such number and letter or letters. 2 Geo. V. c. 8, s. 15.

Connection  
of survey  
with other  
points.

(5) He shall in his discretion connect such survey with some known point in a previous survey or with some other known point or boundary so that the claim may be laid down on the office maps in the Department. 8 Edw. VII. c. 21, s. 113 (5).

Duty of  
surveyor.

(6) No such survey, except as herein provided, shall be made within a distance of fifteen miles in a straight line from the Recorder's office without the written consent or direction of the Recorder or of the Commissioner or the Minister or Deputy Minister, and it shall be the duty of the surveyor before proceeding with the survey to examine the application and sketch or plan of the claim or certified copies thereof and before completing or filing his survey to ascertain by careful examination of the ground and by all other reasonable means in his power whether or not any other subsisting claim conflicts with the claim he is surveying, and no survey shall be accepted unless accompanied by a certificate signed by the surveyor in the following form:

I hereby certify that I have carefully examined the ground included in mining claim No. ...., surveyed by me, and have otherwise made all reasonable investigations in my power to ascertain if there was any other subsisting claim conflicting therewith, and I certify that I have found no trace or indication and have no knowledge or information of any such claim except as follows: (if none so state, if any give particulars.)

Form of  
certificate,

(7) A surveyor who surveys a claim without the written consent or direction mentioned in subsection 6 shall be guilty of an offence against this Act and shall incur a penalty not exceeding \$50.

Penalty for  
misconduct  
of surveyor.

Provided that where a claim is fifteen miles or more in a straight line from the Recorder's office, and the consent or direction mentioned in subsection (6) has not been refused, the surveyor may nevertheless survey the claim, but before signing the certificate mentioned in subsection (6) he shall in all other ways proceed as set out in that subsection, and shall, along with his survey, file with the Recorder a sworn statement setting forth the circumstances under which the survey was made without the consent or direction aforesaid.

2 Geo. V. c. 8, s. 16.

Proviso.

**114.** Where upon an application for a patent of a mining claim in surveyed territory the Minister is of opinion that a survey is necessary he may direct that a survey thereof shall be made at the expense of the applicant and such survey unless otherwise ordered shall comply with the same requirements as a survey of a mining claim in unsurveyed territory.

8 Edw. VII. c. 21, s. 114.

Minister may  
direct survey  
of claim in  
surveyed  
territory.

**115.** The surveyor immediately after the completion of every survey of a mining claim made by him shall deliver or forward by registered post to the Minister by his official title a certified copy of the plan and of his field notes and a description of the claim.

8 Edw. VII. c. 21, s. 115.

Surveyor to  
forward cer-  
tified copy of  
plan to  
Minister.

**116.**—(1) If it is found upon a survey required or authorized by this Act that the area of a mining claim exceeds the prescribed acreage the Minister may direct the issue of a patent for a portion thereof not exceeding the prescribed acreage.

Reduction of  
area of claim  
found to  
exceed pre-  
scribed  
acreage.

(2) The reduction in unsurveyed territory shall, where practicable, be made as follows:—Keeping No. 1 post as the northeast corner and taking the straight line joining No. 1 and No. 2 posts, or if that line exceeds 20 chains in length the northerly 20 chains of it, as the eastern boundary; keeping the southern and western boundaries respectively parallel

Manner in  
which reduc-  
tion to be  
made.

to or coinciding with the straight lines joining No. 2 and No. 3 and No. 4 posts, but shortening each of these boundaries to 20 chains where it exceeds that length, and in the case of a mining claim in a Special Mining Division shortening the southern boundary to 10 chains where it exceeds 10 chains; and in each case connecting the northwest corner so established with No. 1 post for the northern boundary. 8 Edw. VII. c. 21, s. 116.

### PART III.—PLACER MINING.

Placer mining claims.

**117.** A licensee, who makes a discovery of a natural stratum, bed or deposit of sand, earth, clay, gravel or cement carrying gold, or platinum, or precious stones, which is probably of such size and character as to be likely to be workable at a profit may stake out and record a mining claim, to be called a "Placer Mining Claim," thereon, and the provisions of this Act, as to the staking out and recording of a mining claim upon the discovery of valuable mineral in place thereon, shall as far as practicable apply to the staking out of a placer mining claim as if the words "a natural stratum, bed or deposit of sand, earth, clay, gravel or cement, carrying gold or platinum, or precious stones, which is probably of such a size and character as to be likely to be workable at a profit," were used instead of "valuable mineral in place," and the other provisions of this Act as to mining claims shall also, as far as practicable, apply to a "Placer Mining Claim," and "mining claim" wherever used in this Act shall, unless repugnant to the context, be read as including placer mining claim. 8 Edw. VII. c. 21, s. 117.

### PART IV.—QUARRY CLAIMS.

Staking out claims to limestone, marble, etc.

**118.—**(1) Where not situated within a Complete Inspection Area or within a Special Mining Division, Crown lands containing any natural bed, stratum or deposit of limestone, marble, clay, marl, peat, building stone, sand or gravel, may be staked out and recorded as a mining claim, to be called a "Quarry Claim," upon proof being furnished to the satisfaction of the Recorder that such bed, stratum, or deposit is of a size and character to be workable for any one or more of such substances, but all valuable minerals shall be reserved therefrom.

What land excluded.

(2) No such staking out shall be done on any land located, sold or patented under *The Public Lands Act*, and such substances, unless expressly reserved, shall be deemed to have been conveyed by any patent heretofore or hereafter issued under any of the said Acts; provided that this section

shall not affect any rights heretofore acquired in any such substances or the lands containing the same, nor shall any such staking out be done on any land at the time

“(a) Under staking of record, as a mining claim which has not lapsed or been abandoned, cancelled or forfeited;

“(b) Under a subsisting working permit; or

“(c) Withdrawn by any Act, Order in Council, or other competent authority from **prospecting**, location or sale, or declared by any such authority to be not open to prospecting, staking out or sale as mining claims.”

(3) A quarry claim shall not interfere with the right of a licensee to stake out a mining claim on the land embraced in the quarry claim, and as against such licensee the holder of a quarry claim shall have the same and no greater rights than if he were the owner of the surface rights and the quarry claim was a claim in respect of mineral rights. Effect of quarry claim.

(4) Except as provided in subsection (3) the rights and duties of the holder of a quarry claim shall be the same as those of the holder of a mining claim, and all the provisions of this Act as to mining claims shall, except where inappropriate, apply to quarry claims. 8 Edw. VII. c. 21, s. 118. Rights and duties of holder.

## PART V.—PETROLEUM, GAS, COAL, AND SALT.

**119.**—(1) A licensee may obtain from the Minister a boring permit (Form 28), granting him the exclusive right for a period of one year to prospect for petroleum, natural gas, coal, or salt upon an area of land open for prospecting and staking out in those portions of the Province lying north and west of the River Mattawan, Lake Nipissing, and the French River, by: Boring permits to explore for oil, gas, coal or salt.

(a) Staking out or having another licensee stake out on his behalf and in his name such area by planting or erecting a post at each corner thereof in the manner and with the numbering provided by section 54, and writing or placing upon each post the words “Boring permit applied for,” with his name and the letter and number of his license, and where the staking out is done by another licensee also the name of such licensee and the letter and number of his license; the date of the staking out and a statement of the area to be included in the application; Staking out.

(b) Furnishing to the Recorder an application in duplicate (Form 29), verified by an affidavit (Form 30), within fifteen days after the staking out; Application to Recorder.

**Application to Minister.**

- (c) Forwarding to the Minister not more than ninety days thereafter a plan or a diagram showing as nearly as possible the situation of the lands, and a written description of the same, including, if the area is in surveyed territory, the number of the lots and concessions or sections or quarter-sections or other subdivisions, together with a fee of \$100; and

**Compensation to owner of surface rights.**

- (d) Proving to the satisfaction of the Minister that he has paid or secured to the owner of the surface rights, if any, the compensation agreed upon or determined as provided in section 104 for any injury or damage which is or may be caused to the surface rights, or, in default of agreement, that he has paid or secured such compensation, as determined in the manner provided by section 104.

**Posting applications.**

- (2) One duplicate of the application shall be forthwith posted up by the Recorder in his office and the other forwarded by him to the Minister.

**Additional time allowed on account of distance.**

- (3) If the area staked out is more than ten miles from the office of the Recorder, one additional day for every additional ten miles or fraction thereof shall be allowed for furnishing the application to the Recorder.

**Form of area to be included in permit.**

- (4) The area of land included in a boring permit, if in unsurveyed territory, shall be rectangular in form and shall not exceed six hundred and forty acres in extent, the boundary lines thereof being due north and south and due east and west astronomically, and if in surveyed territory need not be rectangular in form, but may consist of any number of contiguous lots, quarter-sections or subdivisions of a section not containing in all more than six hundred and forty acres.

**Working conditions**

- (5) The holder of a boring permit shall enter upon the area described therein within two months from the granting of the permit, and during the term of the permit shall expend thereon in actual boring, sinking, driving or otherwise searching for petroleum, natural gas, coal, or salt a sum amounting to not less than two dollars per acre.

**Renewal of permit.**

- (6) Upon proof being furnished to the Minister that such expenditure has been made and that all other terms and conditions of the permit have been complied with, the Minister, at the expiration of the boring permit, may grant one renewal of the same for one year upon payment of a fee of \$100, and the renewal shall be subject to the like conditions as to expenditure and otherwise as the original permit.



(7) The holder of a boring permit may, with the consent of the Minister endorsed thereon, transfer (Form 31) all his rights in the permit or the lands included therein, and upon the consent being given the licensee to whom the permit is transferred shall thereupon be entitled to the unexpired term of the permit, with any right of renewal thereof. 8 Edw. VII. c. 21, s. 119. Transfer of permit.

**120.**—(1) Upon the holder of a boring permit proving to the satisfaction of the Minister that he has discovered petroleum, natural gas, coal or salt, or any one or more of such substances in commercial quantities upon the land included therein, the Minister may direct the issue to the holder of the permit of a lease of the land or any portion of it for a term of ten years at an annual rental of one dollar per acre, payable in advance, and subject to the expenditure of not less than two dollars per acre per annum, in obtaining petroleum, natural gas, coal or salt, or any one or more of such substances therefrom, or in actual *bona fide* operations or works undertaken or made for the purpose of obtaining the same. The lessee shall have the right of renewal of such lease at the expiration of the first term of ten years for a further term of ten years at the same rental, and at the expiration of the second term for a term of twenty years at such renewal rental as may then be agreed upon or provided by statute or regulations. Lease may issue on discovery.  
  
Renewal.

(2) Every such lease shall contain such other conditions, stipulations and provisos as the Lieutenant-Governor in Council may prescribe, and shall be forfeited and void if the rental payable thereunder is not paid when due, or upon failure to expend the money required by subsection (1) to be laid out or upon failure to comply with any of the terms and conditions of the lease. Provided that relief from forfeiture for failure to pay rent when due may be had by the payment of all arrears within ninety days after the same became payable. Regulations as to leases.  
  
Proviso.

(3) The right conferred by any such lease upon the lessee shall be to enter upon the land described, and to dig, bore, sink, drive or otherwise search for and obtain, raise and remove, petroleum, natural gas, coal and salt, or any one or more of such substances. All other valuable minerals shall be reserved to the Crown, and any holder of a Miner's License may at all times go upon the said land and prospect the same and stake out a mining claim thereon, but subject to compensating the lessee for any injury or damage to his interest in the land at the time and in the manner provided Rights of lessee.  
  
Other mineral to be reserved.

in section 104, and may obtain a patent therefor, but such patent shall reserve the petroleum, natural gas, coal and salt, in, on, or under such land.

Survey  
required in  
unsurveyed  
territory.

(4) No such lease shall issue for land in unsurveyed territory until a plan in triplicate made by an Ontario Land Surveyor, field notes and description, shall be filed in the Department, showing a survey in conformity with this Act, and to the satisfaction of the Minister.

Timber to be  
reserved.

(5) The holder of a Boring Permit or of a lease for petroleum, natural gas, coal or salt, shall not be entitled to the timber upon the land included in such permit or lease, but if the same are not covered by timber license and have not been located, sold or patented under *The Public Lands Act*, may, with the permission of the Minister, and upon payment of such rates as may be fixed, cut and use such timber or trees as may be necessary for boring and working the said land. S Edw. VII. c. 21, s. 120.

## PART VI—DREDGING LEASES.

Regula-  
tions as to  
dredging  
leases.

**121.**—(1) The Lieutenant-Governor in Council may make regulations respecting the issue of leases authorizing the holders thereof to dredge in any river, stream or lake, in, on or flowing through Crown lands, or the bed of which belongs to the Crown, for the purpose of recovering any valuable mineral therefrom, and every Order in Council made under this section shall take effect from the date of the first publication thereof in the *Ontario Gazette*.

Provisions to  
be included  
in dredging  
leases.

(2) Every such lease shall provide for the payment in advance of an annual rental of not less than twenty dollars per mile in length of any such river, stream or lake, and shall not be for a greater term than ten years, renewable at the expiration thereof for a further term of not more than ten years, and shall contain such provisions as may be required by the Lieutenant-Governor in Council for protecting all other public interests in such river, stream or lake, including the driving of logs and timber, and navigation. 8 Edw. VII. c. 21, s. 121.

## PART VII.—MINING PARTNERSHIPS.

Forming  
mining  
partnerships.

**122.**—(1) Two or more persons, each being at least 18 years of age, or one or more of such persons and a company may form a partnership herein called a "Mining Partnership" for the purpose of prospecting for minerals and acquir-

ing mining claims or any other right or interest under the provisions of this Act, and the performance of working conditions and doing work on a mining claim or any other act or thing which may be lawfully done before the issue of a patent for the claim, by signing personally or by attorney duly authorized in writing annexed thereto, a certificate (Form 32), setting forth:—

- (a) The name, address and occupation of each of the partners; Certificate to be filed.
- (b) The partnership name;
- (c) The total number of shares in the partnership;
- (d) The number of shares owned by each partner;
- (e) The date of the commencement of the partnership and the date on which it is to terminate; and
- (f) The name, address and occupation of some person residing in Ontario or of a company having its head office in Ontario authorized, and in writing annexed to or forming part of the certificate consenting to act as agent of the partnership.

(2) A mining partnership may be recorded by filing with any Recorder a certificate in accordance with subsection (1) or a copy thereof certified by a Recorder to be a true copy of a certificate recorded in his office and on payment of the prescribed fee. Recording partnership.

(3) After being recorded a mining partnership shall be entitled to a miner's license. Right to miner's license.

(4) A contract entered into in writing on behalf of a mining partnership by the recorded agent thereof shall be binding upon the partnership. Contracts by recorded agent to be binding.

(5) The member or members of a mining partnership owning a majority of the shares may revoke the appointment of the agent (Form 33), but the revocation shall not take effect until a certificate (Form 34), signed by such member or members substituting another qualified agent who in writing annexed to or forming part of such certificate consents to act as agent for the partnership has been filed in all the offices in which the partnership is recorded. Revocation of authority of agent

Death of  
recorded  
agent.

(6) If the recorded agent of a mining partnership dies, the member or members owning a majority of the shares may, by signing a certificate (Form 34), appoint another qualified agent who, in writing annexed to or forming part of the certificate, consents to act as agent for the partnership, but such appointment shall not take effect until recorded in all the offices in which the partnership is recorded.

Transfer of  
share in  
mining  
partnership.

(7) A share in a mining partnership shall be deemed to be personal estate and may be transferred to any person, mining partnership or company authorized to hold shares in a mining partnership by the owner thereof or by his executor or administrator or by the assignee for the benefit of the creditors of the owner or by a sheriff or bailiff in due course of law by signing and filing with the Recorder a transfer thereof (Form 35).

Filing  
transfer of  
share—effect  
of.

(8) A person to whom a share is transferred or to whom it passes by operation of law or otherwise, upon filing in every office in which the partnership is recorded the instrument of transfer or will or letters of administration or other instrument under which the share passes or a certified or sworn copy thereof, shall become a member of the partnership.

Dissolution  
of partner-  
ship.

(9) A mining partnership may be dissolved before the expiration of the time fixed by the certificate of partnership by filing in all the offices in which the partnership is recorded a certificate of dissolution (Form 36), signed by all the members or their attorneys duly authorized in writing annexed to the certificate, but a mining partnership shall not be dissolved by the death of any member.

Not to be dis-  
solved by  
death.

Dissolution  
not to revoke  
authority of  
agent.

(10) Unless the certificate of dissolution otherwise provides the dissolution of a mining partnership shall not constitute a revocation of the authority of the recorded agent of the partnership, but thereafter the agent instead of being the agent of the partnership shall be the agent of the individual members or their legal representatives, as the case may be, and may bind the interest of the individual partners or their legal representatives in selling, mortgaging or otherwise dealing with and transferring in the partnership name the property of the partnership until the affairs of the partnership are finally wound up.

Agent not  
relieved from  
liability for  
breach of his  
instructions.

(11) Nothing in this section shall relieve a recorded agent from liability for any breach of duty committed by him in wilfully disobeying the instructions given to him by the owners of a majority of the shares. 8 Edw. VII. c. 21, s. 122.

## PART VIII.—PROCEEDINGS BEFORE COMMISSIONER AND RECORDER.

### POWERS OF COMMISSIONER.

**123.**—(1) Except as provided by sections 182 and 183, <sup>Claims, rights and disputes to be determined by Commissioner.</sup> no action shall lie nor shall any other proceedings be taken in any Court as to any matter or thing upon which before the issue of the patent any right, privilege or interest conferred by or under the authority of this Act depends, but save as in this Act otherwise provided, every claim, question and dispute in respect to such matter or thing, shall be determined by the Commissioner, and in the exercise of the power conferred by this section the Commissioner may make such order and give such directions as he may deem necessary for making effectual and enforcing compliance with his decision.

(2) Without limiting the general powers conferred by the <sup>Matters to be determined by Commissioner.</sup> next preceding subsection, it is declared that the Commissioner shall have jurisdiction and power to hear and determine all claims, questions and disputes arising before patent between contesting claimants or between the Crown and a claimant:—

- (a) For or in respect to any unpatented mining claim, quarry claim, mining lands or mining rights or any right, title or interest therein;
- (b) As to the existence, validity or forfeiture of any unpatented mining claim, quarry claim, working permit or boring permit, or application therefor, or of any right or privilege or interest which may before patent be acquired under the provisions of this Act;
- (c) As to the boundaries and extent of the lands or rights included in any unpatented mining claim, quarry claim, working permit or boring permit, or application therefor, or in any such other right, privilege or interest;
- (d) As to the right to possession of or the right to enter or prospect upon or stake out any unpatented mining claim, quarry claim, mining lands or mining rights;
- (e) As to any right claimed under regulations made by the Lieutenant-Governor in Council under the authority of subsection (2) of section 187;

- (f) As to whether and to what extent any unpatented mining claim or quarry claim or any working permit or boring permit or any other right, privilege or interest acquired by anyone under the provisions of this Act has before patent been transferred to or become vested in any other person. 8 Edw. VII. c. 21, s. 123.

Subpœnas  
and sum-  
monses to  
witnesses.

**124.**—A subpœna may issue out of the Supreme Court or out of any County or District Court for the purpose of compelling the attendance of witnesses and production of documents and things in any proceeding before the Commissioner, and the Commissioner shall also have in respect to matters which may be dealt with by him under the provisions of this Act all the powers of summoning and enforcing the attendance of witnesses and compelling them to give evidence and produce documents and things which may be conferred upon Commissioners appointed under the authority of *The Public Inquiries Act*. 8 Edw. VII. c. 21, s. 124.

Rev. Stat.  
c. 18.

Powers as  
referee.

**125.** In the exercise of the jurisdiction and power conferred by this Act, the Commissioner shall have all the authority and power conferred upon an official referee by *The Judicature Act* or by *The Arbitration Act*. 8 Edw. VII. c. 21, s. 125.

Rev. Stat.  
cc. 56, 65.

Power to  
restraining  
party.

**126.** In any matter or proceeding which may come before him under this Act, the Commissioner may make an order restraining any of the parties from doing any act which in his opinion ought not to be done or ought not to be done pending the final determination of any question involved in such matter or proceeding. 8 Edw. VII. c. 21, s. 126.

Preventing  
trespasses  
on public  
lands.  
Rev. Stat.  
c. 28.

**127.** The Commissioner shall also have all the powers which by *The Public Lands Act* are conferred on commissioners appointed under the authority of that Act. 8 Edw. VII. c. 21, s. 127.

Referring  
actions, etc.,  
to Commis-  
sioner.

**128.** Where in the opinion of the Court in which an action is brought, or of a Judge thereof, the proceedings may be more conveniently dealt with or disposed of by the Commissioner, the Court or Judge may, upon the application of any party or otherwise, and at any stage of the proceedings, refer the action or any question therein to the Commissioner as an Official Referee, on such terms as to the Court or Judge may seem just, and the Commissioner shall thereafter give directions for the continuance of the

proceedings before him, and subject to the order of reference, all costs shall be in his discretion. 8 Edw. VII. c. 21, s. 128.

**129.** Where a proceeding is brought in any Court which should have been taken before the Commissioner, the Court or Judge may upon the application of any party or otherwise, and at any stage of the proceeding, transfer it to the Commissioner, and thereafter it shall be deemed to be a proceeding before him under the provisions of this Act, and there shall be no appeal from the decision of the Commissioner except as provided by this Act. 8 Edw. VII. c. 21, s. 129.

Transfer of proceedings from court to Commissioner.

#### POWERS OF RECORDER.

**130.—**(1) A Recorder, as to lands situate in his Mining Division, shall have all the powers conferred on the Commissioner by sections 123 and 124.

Min-Concurrent jurisdiction of Recorder.

(2) Any question arising prior to the issue of a certificate of record of a mining claim or the granting of a working permit as to whether the provisions of this Act regarding a mining claim, working permit application or working permit have been complied with, unless the Commissioner otherwise orders or unless the Recorder with the consent of the Commissioner transfers such question to the Commissioner for his decision, shall in the first instance be decided by the Recorder.

When Recorder to decide matter in first instance.

(3) The Recorder shall forthwith enter in the books of his office a full note of every decision made by him, and shall notify the persons affected thereby of such decision by registered letter mailed not later than the next day after the entry of such note.

Note of decision to be made by Recorder.

(4) Every person affected by the decision shall be entitled upon payment of the prescribed fee to receive from the Recorder a certificate thereof which shall contain the date of the entry of such decision in the books of the Recorder.

Certificate of decision.

(5) The decision of the Recorder shall be final and binding unless appealed from as in this Act provided. 8 Edw. VII. c. 21, s. 130.

**131.—**(1) The Recorder may give directions for the conduct and carrying on of the proceedings before him, and in so doing he shall adopt the cheapest and most simple methods and machinery for determining the questions raised before him.

Recorder may direct proceedings before him.

Where no direction.

(2) Where no such directions are given, the provisions relating to procedure before the Commissioner as far as the same may be applicable, shall apply.

Costs.

(3) The Recorder shall not have power to award costs, but may in his discretion allow the fees and conduct money of witnesses and may direct by whom the same shall be paid. 8 Edw. VII. c. 21, s. 131.

#### ENFORCEMENT OF ORDERS.

Making order of Commissioner or Recorder a judgment of the Court.

**132.** A duplicate of any order made by the Commissioner or by a Recorder may be filed in the office of the Clerk of Records and Writs or in the office of any Local Registrar or Deputy Clerk of the Crown of the Supreme Court or in the office of the Clerk of the County or District Court of the County or District in which the lands lie, and upon being so filed shall become an order of the Court in which it is filed and shall be enforceable as an order of such Court, but the Court or a Judge thereof may stay proceedings thereon if an appeal is brought from the order. 8 Edw. VII. c. 21, s. 132.

#### APPEALS FROM RECORDER.

Right to appeal from Recorder to Commissioner.

**133.**—(1) A person affected by the decision of, or by any act or thing, whether ministerial or judicial, done, or refused or neglected to be done by the Recorder, may appeal to the Commissioner, who shall decide the matter and make such order in the premises as he may deem just.

Admission of further evidence on appeal.

(2) Upon an appeal from the decision of the Recorder the Commissioner may require or admit new or additional evidence or may re-try the matter.

Mode of appealing.

(3) The appeal shall be by notice in writing filed in the office of the Recorder (Form 37), and served upon all parties adversely interested within fifteen days from the entry of the decision in the books of the Recorder, or within such further period not exceeding fifteen days as the Commissioner may allow. Provided that if notice of appeal has been filed with the Recorder within the said time, and the Commissioner is satisfied that it is a proper case for appeal and that after reasonable effort any of the parties entitled to notice could not be served within such time, he may extend the time for appealing and make such order for substitutional or other service as he may deem just. Provided also that where



a person affected has not been notified as provided in sections 91 or 130 and appears to have suffered substantial injustice and has not been guilty of undue delay, the Commissioner may allow such person to appeal.

(4) The notice of appeal shall contain or have endorsed upon it an address for service at some place not more than five miles distant from the Recorder's office, and any notice or document relating to the appeal shall be sufficiently served upon the appellant if left with a grown up person at such place, or if no such person can there be found then if mailed by registered post addressed to the appellant at the post office at or nearest to such place. Address for service to be on notice of appeal.

(5) If no address for service is given as provided in the next preceding subsection, any such notice or document may be served upon the appellant by posting up the same in the Recorder's office 8 Edw. VII. c. 21, s. 133. Mode of service when no address given.

#### APPEAL TO MINISTER.

**134.**—(1) An appeal shall lie from any decision of the Commissioner in respect to any ministerial duty of the Recorder to the Minister only, and the decision of the Minister shall be final and shall not be subject to appeal. Appeal to Minister as to ministerial acts of Recorder.

(2) The appeal to the Minister shall be by notice in writing filed with the Bureau of Mines and served upon every adverse party within fifteen days after the date of the decision of the Commissioner, or within such further time as may be allowed by the Minister. 8 Edw. VII. c. 21, s. 134. Mode of appealing to Minister.

#### PROCEDURE BEFORE COMMISSIONER.

**135.** The words "*The Mining Act of Ontario*" shall be written or printed on all notices and other documents in every matter, application and appeal taken before the Commissioner. 8 Edw. VII. c. 21, s. 135. Style of proceedings.

**136.**—(1) An appointment shall be obtained from the Commissioner for the hearing of an appeal or of a dispute mentioned in section 63 or of any claim, question or dispute cognizable by him. Obtaining appointment.

(2) In any matter or proceeding other than an appeal the Commissioner may, if a Certificate of Record has been issued, require that the applicant shall satisfy him that there is reasonable ground for the application or may in any Material.

such case, or in any case where leave to take the proceeding is necessary, give the appointment or leave only upon such terms as to security for costs or otherwise as may seem just.

**Application  
for appoint-  
ment.**

(3) The appointment may be obtained upon a verbal or written application.

**Service of  
appointment.**

(4) A copy of the appointment shall be served upon all parties concerned, and except in the case of an appeal or dispute under section 63, a notice (Form 38) stating shortly the nature and particulars of the right, question or dispute, shall also be served. 8 Edw. VII. c. 21, s. 136.

**Commis-  
sioner to give  
all necessary  
directions.**

**137.**—(1) The Commissioner may give directions for having any matter or proceeding heard and decided without unnecessary formality, may order the filing, serving of statements, particulars, objections or answers, the production of documents and things, and the making of amendments, may give such other directions for the procedure and hearing as he may deem proper, and may make any appointment, notice or other proceeding returnable forthwith or at such time as he may deem proper, and may order or allow such substituted or other service as in the circumstances may seem proper.

**Place of  
hearing.**

(2) In appointing the place of hearing, the Commissioner shall select the place that he may deem most convenient for the parties within the county or district or one of the counties or districts in which the lands or mining rights affected are situate, unless it appears to him desirable that the hearing should be in some other county or district.

**Hearing to  
be proceeded  
with  
promptly.**

(3) The hearing shall be proceeded with as promptly as possible, having regard to the interests of the parties concerned.

**Taking  
evidence.**

(4) The Commissioner may take or order the evidence of any witness to be taken at any place within or without Ontario.

**Interlocutory  
applications.**

(5) The Commissioner may hear and dispose of any application not involving the final determination of the matter or proceeding at any place he may deem convenient, and his decision upon any such application shall be final and shall not be subject to appeal. 8 Edw. VII. c. 21, s. 137.

**138.** The Commissioner may obtain the assistance of <sup>Commissioner may obtain expert assistance.</sup> engineers, surveyors, or other scientific persons, who may obtain expert assistance. under his order view and examine the property in question, and in giving his decision he may give such weight to their opinion or report as he may deem proper. 8 Edw. VII. c. 21, s. 138.

**139.**—(1) The Commissioner, in addition to hearing the <sup>Commissioner may call for evidence, or proceed on view.</sup> evidence adduced by the parties, may require and receive such other evidence as he may deem proper, and may view and examine the property in question and give his decision upon such evidence or view and examination, or may appoint a person to make an inspection of the property, and may receive as evidence and act upon the report of the person so appointed.

(2) Where the Commissioner proceeds partly on a view <sup>Statement of view or of special knowledge.</sup> or on any special knowledge or skill possessed by himself, he shall put in writing a statement of the same sufficiently full to enable a judgment to be formed of the weight which should be given thereto.

(3) When the parties consent in writing, the Commissioner may proceed wholly upon a view, and in such case his <sup>Commissioner's decision proceeding wholly on view.</sup> decision shall be final and shall not be subject to appeal. 8 Edw. VII. c. 21, s. 139.

**140.** The Commissioner shall give his decision upon the <sup>Commissioner's decision to be upon the merits.</sup> real merits and substantial justice of the case. 8 Edw. VII. c. 21, s. 140.

**141.** Where the Commissioner deems the matter or proceeding vexatious, or where it is brought by a person residing out of Ontario, he may order that such security for costs <sup>Security for costs.</sup> as he may deem proper be given and that in default of such security being given within the time limited or in default of speedy prosecution the matter or proceeding be dismissed. 8 Edw. VII. c. 21, s. 141.

**142.** Where the hearing is to take place at a place where <sup>Right to use court room.</sup> a court house is situate, the Commissioner shall have the right to use the court room, and where the hearing is to take place in a municipality in which there is a hall belonging to the municipality but no court room, he shall have the right <sup>Right to use town hall.</sup> to use such hall. 8 Edw. VII. c. 21, s. 142.

Sheriffs, etc.,  
to assist  
Commissioner.

**143.** Sheriffs, deputy sheriffs, constables and other peace officers shall aid, assist and obey the Commissioner in the exercise of the powers conferred on him by this Act, whenever required so to do, and shall upon the certificate of the Commissioner be paid by the Treasurer of the County or District the same fees as for similar services in carrying out the orders of a Judge of the High Court Division. 8 Edw. VII. c. 21, s. 143.

When notes  
need not be  
extended.

**144.** The evidence taken before the Commissioner need not be filed, or written out at length by the shorthand writer unless required by the Commissioner or by a party to the proceedings, and copies shall be furnished upon the same terms as in cases in the High Court Division. 8 Edw. VII. c. 21, s. 144.

#### COSTS AND WITNESS FEES.

Costs.

**145.** The Commissioner may in his discretion award costs to any party, and may direct that such costs be taxed by the Clerk of the County or District Court or by a local taxing officer or by one of the taxing officers at Toronto, or may order that a lump sum be paid in lieu of taxed costs. 8 Edw. VII. c. 21, s. 145.

Scale of  
costs.

**146.**—(1) The costs and disbursements payable upon proceedings before the Commissioner, as to any matter in which the amount or value of the property in question does not in the opinion of the Commissioner exceed \$400, shall be according to the tariff of the County Court, and as to any matter in which the amount or value of the property in question in his opinion exceeds \$400, shall be according to the tariff of the Supreme Court.

Commissioner to  
decide as to  
scale.

(2) The Commissioner shall in his order or award direct according to which tariff the costs and disbursements shall be taxed.

Counsel fees.

(3) The Commissioner shall have the same powers as a Judge of a County Court or a taxing officer of the Supreme Court with respect to counsel fees. 8 Edw. VII. c. 21, s. 146.

Witness fees  
and conduct  
money.

**147.** The fees and conduct money to be paid to a witness before the Commissioner or Recorder shall be according to the County Court scale. 8 Edw. VII. c. 21, s. 147.

## DECISIONS.

**148.**—(1) Except where inapplicable, the decision of the Commissioner shall be in the form of an order or award, Decision to be in form of order or award. but need not show upon its face that any proceeding or notice was had or given, or that any circumstance existed necessary to give jurisdiction to make such order or award.

(2) The order or award of the Commissioner, with the evidence, exhibits, the statement, if any, of view or of special knowledge or skill and the reasons for his decision if any are given, shall be filed in the Bureau of Mines, or in the Office of the Recorder, as may be directed by the Commissioner, and the officer or person in charge of such office shall forthwith give notice in writing of the filing by registered post or otherwise to the solicitors of the parties appearing by solicitor and to the parties not represented by a solicitor. Filing order or award.

(3) Where the order or award is not filed with the Recorder of the Division in which the property affected is situate the Commissioner shall transmit a duplicate to such Recorder. Duplicate to be transmitted to Recorder. 8 Edw. VII. c. 21, s. 148.

**149.**—(1) The Commissioner shall make in the books of his office a full note of every decision given by him. Entry of note of decision.

(2) Where a decision of the Commissioner finally disposes of the matter in question so far as he is concerned he shall give notice of the purport of such decision to the parties to the proceeding by registered letter addressed to them at their addresses as entered in his books. Notice of final decision to be given to parties. 8 Edw. VII. c. 21, s. 149.

**150.** Any party to a proceeding shall be entitled on payment of the prescribed fee to a certified copy of any order or award made by the Commissioner, and the copy shall show the date of the entry of the order or award in the books of the Commissioner. Parties to be entitled to certified copy of order or award. 8 Edw. VII, c. 21, s. 150.

## APPEALS FROM COMMISSIONER.

**151.** Where not herein otherwise provided, an appeal shall lie to a Divisional Court from every decision of the Commissioner, including an order dismissing a matter or proceeding under the provisions of section 141. Appeal to Divisional Court. 8 Edw. VII. c. 21, s. 151, *part*.

Time for  
appealing.

**152.**—(1) Except in the case provided for by section 128, and in the case of a reference under *The Arbitration Act*, the order or award of the Commissioner shall be final and conclusive unless where an appeal lies it is appealed from within fifteen days after the filing thereof or within such further period not exceeding fifteen days as the Commissioner or a Judge of the Supreme Court may allow.

Notice of  
appeal.

(2) The appeal shall be begun by filing a notice of appeal with the Recorder of the division in which the property in question or a part of it is situate and paying to him the prescribed fee, and unless such filing and payment are so made, and unless the appeal is set down and a certificate of such setting down lodged with the Recorder within five days after the expiration of said fifteen days or the further time allowed under subsection (1) the appeal shall be deemed to be abandoned.

Recorder to  
transmit  
proceedings  
to Central  
Office.

(3) The Recorder shall forthwith after the filing of the notice of appeal and the payment of the prescribed fee transmit by registered post or by express to the Central Office at Osgoode Hall, Toronto, the order or award and all the exhibits, papers and documents filed therewith.

Order ex-  
tending time  
for appeal  
to be sent to  
Recorder.

(4) Where the time for appealing is extended the appellant shall forthwith transmit the order for the extension, or a duplicate thereof, by registered post to the Recorder. 8 Edw. VII. c. 21, s. 151, *part*.

#### PROCEDURE ON APPEALS.

Procedure on  
appeals.

**153.** The practice and procedure, including the disposition of costs, on an appeal, shall be the same as in ordinary cases under *The Judicature Act*. 8 Edw. VII. c. 21, s. 153.

#### VALIDITY OF PROCEEDINGS BEFORE COMMISSIONER OR RECORDER.

Proceedings  
under Act  
not remov-  
able by  
*certiorari*,  
etc.

**154.** Proceedings under this Act shall not be removable into any Court by *certiorari* or otherwise, and no injunction, mandamus or prohibition shall be granted or issued out of any Court in respect of anything required or permitted to be done by any officer appointed under the authority of this Act. 8 Edw. VII. c. 21, s. 154.

Validity of  
proceedings  
not to be  
affected by  
informality.

**155.** No proceeding before the Commissioner or a Recorder shall be invalidated by reason of any defect in form or substance or failure to comply with the provisions of this

Act, where in the opinion of the Court before which any such proceeding comes in question no substantial wrong or injustice has been thereby done or occasioned. 8 Edw. VII. c. 21, s. 155. .

POWER TO EXTEND TIME AFTER EXPIRATION OF PRESCRIBED TIME.

**156.** Where power is conferred by this Act to extend the time for doing an act or taking a proceeding unless otherwise expressly provided, the power may be exercised as well after as before the expiration of the time allowed or prescribed for doing the act or taking the proceeding. 8 Edw. VII. c. 21, s. 156.

PART IX.—OPERATION OF MINES. .

REGULATIONS.

**157.** No boy or girl under the age of fourteen years shall be employed in or about any mine, and no boy under the age of seventeen years shall be employed below ground in any mine. 2 Geo. V. c. 8, s. 17.

**158.** Except as stenographer, book-keeper or in some similar capacity, no girl or woman shall be employed at mining work or allowed to be for the purpose of employment at mining work, in or about any mine. 2 Geo. V. c. 8, s. 17.

**159.**—(1) No workman shall remain or be allowed to remain underground in any mine for more than eight hours in any consecutive twenty-four hours, which eight hours shall be reckoned from the time he arrives at his place of work in the mine until the time he leaves such place, provided, however, that

(a) A Saturday shift may work longer hours for the purpose of avoiding work on Sunday or changing shift at the end of the week or giving any of the men a part holiday.

(b) The said limit of time shall not apply to a shift boss, pump man, cage-tender, or any person engaged solely in surveying or measuring, nor shall it apply in cases of emergency where life or property is in imminent danger, or in any case of repair work, or to any mine where the number of men working in a shift does not exceed six.

Interpreta-  
tion.

(2) In this section

"Workman."

"Workman" means any person employed underground in a mine who is not the owner or agent or an official of the mine.

"Shift."

"Shift" means any body of workmen whose hours for beginning and terminating work in the mine are the same or approximately the same.

Certificate  
of In-  
spector.

(3) Where any question or dispute arises as to the meaning or application of clause (b) of subsection (1), or as to the meaning of "workman," "shift," or "underground," the certificate of the Inspector shall be conclusive.

Application  
of sections  
as to pen-  
alties.

(4) For greater certainty it is hereby declared that sections 174, 175, 179, 180 and 181 of this Act shall apply to contraventions of this section; provided, however, that a workman shall not be guilty of an offence for failure to return to the surface within the time limited by this section if he proves that without fault on his part he was prevented from returning owing to means not being available for the purpose.

Suspension  
of operation  
of section.

(5) In the event of great emergency or grave economic disturbance, the Lieutenant-Governor in Council may suspend the operation of this section to such extent and for such period as he deems fit; or upon the Inspector certifying as regards any iron mine that the precautions, safeguards and arrangements for protecting the health, safety and comfort of the workmen employed therein are satisfactory and in compliance with this Act, the Lieutenant-Governor in Council may, upon the recommendation of the Minister, in like manner suspend the operation of this section in so far as such mine is concerned.

Commence-  
ment.

(6) This section shall come into effect on the first day of January, 1914, in all those parts of the Province without county organization, and in the remaining parts of the Province at such time as may be named by the Lieutenant-Governor by his proclamation. 3-4 Geo. V. c. 10, s. 1.

Hoisting  
for shafts.

**160.**—(1) No person under the age of twenty years shall be allowed to have charge of any hoisting engine by means of which persons are hoisted, lowered or hauled in a shaft, incline or level at any mine.



(2) No person under the age of eighteen years shall be allowed to have charge of any hoisting engine or hoisting apparatus of any kind at a mine. 2 Geo. V. c. 8, s. 17. Other hoists.

**161.** Where any person contravenes any of the next preceding four sections, the owner and the agent of the mine shall also each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this Act. 8 Edw. VII. c. 21, s. 161. Penalty for employment of persons contrary to Act.

**162.** Where a mine has been abandoned or the working thereof has been discontinued, the owner or lessee thereof and every other person interested in the minerals of the mine shall cause the top of the shaft and all entrances from the surface, as well as all other pits and openings dangerous by reason of their depth, to be and to be kept securely fenced; and if any person fails to act in conformity with this section he shall be guilty of an offence against this Act, and any shaft, entrance, pit or other opening which is not so fenced shall be deemed to be a nuisance. 8 Edw. VII. c. 21, s. 162. Fencing of abandoned or unworked mines.

#### INQUEST TO BE HELD IN CASE OF FATALITY.

**163.**—(1) The coroner who resides nearest to a mine wherein or in connection wherewith any fatal accident has occurred, shall forthwith conduct an inquest, but if he is in any way in the employment of the owner or lessee of the mine he shall be ineligible to act as coroner, and any other coroner shall, upon application by any person interested, forthwith issue his warrant and conduct such inquest, and this section shall be his authority for so doing whether his commission extends to such territory or not. 8 Edw. VII. c. 21, s. 163. Coroner to hold inquest in case of fatality in a mine.

(2) The Inspector and any person authorized to act on his behalf shall be entitled to be present and to examine or cross-examine any witness at every inquest held concerning a death caused by an accident at a mine, and if the Inspector or some one on his behalf is not present, the coroner shall, before proceeding with the evidence, adjourn the inquest and give the Deputy Minister not less than four days' notice of the time and place at which the evidence is to be taken. 9 Edw. VII. c. 17, s. 1. Right of the Inspector or his representative to be present at inquest.

## RULES FOR PROTECTION OF MINERS.

Rules for  
operating  
mines.

**164.** The following rules shall be observed and carried out at every mine, except in so far as the Inspector may deem the same not reasonably practicable;

*Sanitation.*

Ventilation.

1. An adequate amount of ventilation shall be constantly produced so that the shafts, adits, tunnels, winzes, raises, sumps, levels, stopes, cross-cuts, underground stables and working places of the mine and the travelling roads to and from such working places shall be in a fit state for working and passing therein.

Portable  
privies.

2. In every working mine which is entered by a shaft and operated to a greater depth than 100 feet, and in every mine which is entered by an adit or tunnel and operated to a greater distance than 300 feet from the entrance to the adit or tunnel, the Inspector may require a sufficient number of portable watertight privies to be provided for the underground employees of the mine, and such privies shall be taken to the surface and thoroughly cleansed every twenty-four hours.

*Care of Explosives.*

Magazine for  
explosives.

3. No magazine for explosives shall be erected or maintained nearer than four hundred feet from the mine and works, or any public highway, except with the written permission of the Inspector, and every such magazine shall be constructed of materials and in a manner to insure safety against explosion from any cause, and shall be either so situated as to interpose a hill or rise of ground higher than the magazine between it and the mine and works, or an artificial mound of earth as high as the magazine and situate not more than 30 feet from it shall be so interposed.

Cases for  
explosives.

4. Cases containing explosives shall not be opened in the magazine, and only implements of wood, brass or copper shall be used in opening the cases.

5. In sinking shafts or winzes all firing shall be done by means of electric current; but this shall not apply to claims not patented or leased. When firing to be by electric current.
6. Explosives stored underground in a working mine shall be kept in securely covered and locked boxes, and, where thawed underground shall be kept in an unused part of the mine, never less than ten feet from lines of underground traffic nor less than one hundred and fifty feet from places where drilling and blasting are carried on, and shall at all times be in charge of a specified man fully qualified by his experience to take charge thereof. Where explosives are stored in mines.
7. No explosives in excess of a supply for twenty-four hours shall be stored underground in a working mine. Amount of supply.
8. Fuses, blasting-caps and electric detonators shall be kept in a place of safety and shall not, nor shall any article containing iron or steel, be kept or stored in the same magazine or thawing-house with explosives or nearer than 50 feet therefrom. Storage of fuse, blasting caps, etc.
9. Whenever a workman opens a box containing explosives, or in any manner handles the same, he shall not permit any lighted lamp or candle to come closer than five feet to such explosives, and a workman with a lighted lamp, candle, pipe or any other thing containing fire shall not approach nearer than five feet to an open box containing an explosive. Lighted lamps or candles to be kept at a distance from explosives.
10. The manager, captain or other officer in charge of a mine shall make a thorough daily inspection of the condition of the explosives in or about the same, and shall make an immediate investigation when an act of careless placing or handling of explosives is discovered by or reported to him; Inspection of stores of explosives in a mine.
  - (a) Any employee who commits a careless act with an explosive or where explosives are stored, or who, having discovered it, omits or neglects to report immediately such act to an officer in charge of the mine, shall be guilty of an offence against this Act, and the officer in charge of the mine shall im- Offence to be reported to the Inspector or Crown Attorney.

mediately report such offence to the Inspector or to the Crown Attorney of the County or District in which the mine is situate.

Thawing house and apparatus for explosives.

11. A suitable house in which to thaw explosives shall be built separate from the other mine buildings and shall be equipped with suitable apparatus for thawing explosives approved by the Inspector, and shall be under the direction of the mine foreman or some other careful and experienced workman. Whenever deemed necessary by the Inspector, suitable apparatus for thawing explosives shall also be provided for use in the mine and shall be used only under the direction of the mine foreman or of some other careful and experienced workman. The quantity of explosives brought into the thawing house shall not at any time exceed the requirements of the mine for a period of twenty-four hours, except where such requirements would be less than one hundred pounds.

Recording thermometer in thawing room.

12. A reliable recording thermometer shall be kept in the room in which explosives are thawed and the record thereof kept.

No iron or steel to be used in charging holes.

13. In charging holes for blasting, no iron or steel tool or rod shall be used, and no iron or steel shall be used in any hole containing explosives, and no drilling shall be done in any hole that has been blasted, nor shall any iron or steel tool be introduced into the bottom of any such hole.

Duty of miner when hole misses fire.

14. When a miner fires a round of holes he shall count the number of shots exploding, except in case of instantaneous blasting by electricity. If there are any reports missing he shall report the same to the mine captain or shift boss. If a missed hole has not been fired at the end of a shift, that fact, together with the position of the hole, shall be reported by the mine captain or shift boss to the mine captain or shift boss in charge of the next relay of miners, before work is commenced by them.

Report of missed hole.

Charge missing fire to be blasted.

15. A charge which has missed fire shall not be withdrawn, but shall be blasted, and no drilling shall be done in the working place where there is a

missed hole or a cut-off hole containing explosive until it has been blasted.

16. All drill holes, whether sunk by hand or machine Size of drill holes. drills, shall be of sufficient size to admit of the free insertion to the bottom of the hole of a stick or cartridge of powder, dynamite or other explosive, without ramming, pounding or pressure.
17. No explosives shall be used to blast or break up ore, salamander or other material where by reason of Blasting of roast heaps. its heated condition there is any danger or risk of premature explosion of the charge.
18. No explosive shall be used at any mine, unless there Marking strength on original packages of explosives. is plainly printed or marked on every original package containing such explosive the name and place of business of the manufacturer, and the strength, and the date of its manufacture.

#### *Time of Blasting.*

19. Where parties working contiguous or adjacent Blasting on contiguous claims. claims or mines disagree as to the time of setting off blasts, either party may appeal to the Inspector, who shall decide upon the time at which blasting operations thereon may be performed, and the decision of the Inspector shall be final and conclusive and shall be observed by them in future blasting operations.

#### *Protection in Working Places.*

20. On every level in which mechanical haulage is employed, there shall be at intervals of not more Refuges from tracks in levels. than one hundred yards a place of refuge, affording a space of at least three feet of width between the widest part of the car or train running on the tramway, and the farthest side of the place of refuge.
21. Every man-hole and space for a place of refuge Keeping refuges clear. shall be constantly kept clear, and no person shall place anything in a man-hole or in such space in a position to prevent convenient access thereto.
22. Where a drift extends from a shaft in any Protection of workmen in drifts. direction on a level, a safe passage way and

standing room for workmen shall be made on one or both sides of the shaft to afford protection against falling material.

Protection of workmen from falling cage, etc.

23. Where a shaft is being sunk below a level from which material is being hoisted in the same shaft a suitable covering of rock, timber, iron, steel or other metal shall be provided under the hoisting compartment of the shaft immediately below the level for the protection of the workmen in the shaft; and such covering shall be sufficiently strong to withstand the shock of the loaded bucket, skip or cage falling from the highest point in the shaft.

Fencing of shafts and other openings.

24. The top of every shaft shall be securely fenced or protected by a gate or guard rail, and every pit or opening dangerous by reason of its depth shall be securely fenced or otherwise protected.

Protection of shaft and winze openings in levels.

25. At all shaft and winze openings on every level, a gate or guard rail, not less than three feet or more than four feet above the floor, shall be provided and kept in place except when the cage, skip or bucket is being loaded or unloaded at such level.

Timbering

26. Where the enclosing rocks are not safe every working or pumping shaft, adit, tunnel, stope or other working in which work is being carried on, or persons passing, shall be securely cased, lined or timbered, or otherwise made secure.

Covering mill holes in stope.

27. The top of every mill hole in a stope shall, as far as practicable, be kept covered.

Safety from water.

28. Every working mine shall be provided with suitable and efficient machinery and appliances for keeping the mine free from water, the accumulation or flowing of which might injuriously affect any other mine.

### *Ladder-ways.*

Foot ladder or passage in shaft to be separated from hoist.

29. The ladder or passage-way in a shaft or winze shall be separated by a closely boarded partition from the compartment or division of the shaft or winze in which the material is hoisted.

30. A suitable footway or ladder, inclined at the most convenient angle which the space in which the ladder is fixed allows, shall be provided in every working shaft, and every such ladder shall have a substantial platform at intervals of not more than twenty feet, and shall not be fixed for permanent use in a vertical or overhanging position, and all ladders in shafts shall project at least two feet above the platform, and all holdfasts shall be of iron, securely fixed in the shaft casing. The platform shall be closely covered, with the exception of an opening large enough to permit the passage of a man's body, and shall be so arranged in vertical or steeply inclined shafts and winzes that it would not be possible for a person to fall from one ladder through the opening to the ladder below.
- Ladders and platforms.**

*Raising or Lowering Persons.*

31. No person shall be lowered or hoisted, or allow himself to be lowered or hoisted, in a shaft, winze or other underground opening of a mine: When persons not to be hoisted.
- (a) In a bucket or skip, except that men employed in shaft sinking shall be allowed to ascend and descend to and from the nearest level or other place of safety by means of the bucket or skip used for hoisting material, but there shall always be a suitable ladder in the shaft to provide an auxiliary means of escape. In buckets or skips.
- (b) In a cage or skip, except as provided in clause (a), which is not provided with a hood, dogs and other safety appliances approved by the Inspector; When safety appliances not used.
- (c) In a cage or skip where a detaching hook or other device approved by the Inspector to prevent overwinding in mines of upwards of 1,000 feet vertically in depth are not provided; When detaching hooks not used.
- (d) Where no indications other than marks on the rope or cable are used to show to the person who works the machine or hoisting engine the position of the cage in the shaft; Where proper indicators not used.

Where cable does not pass through proper sheave.

- (e) Where the rope or cable passes through blocks instead of passing over a sheave of a diameter suited to the diameter of the rope or cable and properly mounted on a secure head-frame.

Printed copy of rule to be kept posted.

The owner of every mine shall post and maintain at the mouth of the shaft or other conspicuous place a printed copy of this rule, and where the same has been posted and maintained in case of an accident occurring as a result of a violation of this rule the owner shall not be liable for damages except upon proof that he has permitted or authorized the employment of means herein prohibited for raising and lowering workmen in a mine, or that a suitable manway has not been provided.

Safety-cages in shafts over 400 feet deep.

32. Whenever a mine shaft exceeds four hundred feet in vertical depth, a safety cage shall be provided, kept and used for lowering and raising men in the shaft, unless otherwise directed in writing by the Inspector.

Cages or skips, how to be constructed.

- 32a. (1) All cages or skips used for lowering or raising men shall be constructed as follows:—

Hood.

- (a) The hood shall be made of steel plate not less than three-sixteenths of an inch in thickness;

Casing or netting.

- (b) The cage shall be provided with sheet iron or steel side casing not less than one-eighth of an inch in thickness, or with a netting composed of wire not less than one-eighth of an inch in diameter, and with doors made of suitable material;

Doors.

- (c) The doors shall extend at least five feet above the bottom of the cage, and shall be closed when lowering or hoisting men;

Overhead bars for handholds.

- (d) The cage shall have overhead bars so arranged as to give every man an easy and secure handhold;

Safety catch.

- (e) The safety appliances shall be of sufficient strength to hold the cage or skip with its maximum load at any point in the shaft;

Operating chairs by lever.

- (f) The cage shall not have chairs attached thereto which are operated by a lever through or from the floor.

Commencement of section.

- (2) This section shall come into force on the 1st day of January, 1915. 4 Geo. V. c. 14, s. 7.



*Shaft Equipment, Etc.*

33. All cross heads must be provided with a safety Crossheads to be provided with safety appliance. appliance so constructed that the cross heads cannot stick in the shaft without also stopping the bucket.
34. Skipways shall be provided with back timbers to Skipways. prevent skips leaving the track where such skipways are inclined at more than 60 degrees from the horizon, unless otherwise directed in writing by the Inspector.
35. Hoisting with horse and pulley-block is forbidden Hoisting with horse and pulley-block. where the depth of a shaft is more than seventy-five feet.
36. No open hook shall be used in hoisting or lowering. Open hooks not to be used.
37. On the drum of every machine used for lowering Slipping of rope on drum. or raising persons there shall be such flanges or horns, and also, if the drum is conical, such other appliances as may be sufficient to prevent the rope or cable from slipping.
38. To every hoisting machine used for lowering or Brake. raising persons or materials there shall be attached a brake adequate to hold at any point in the shaft the weight of the skip, bucket, or other vessel used when filled with ore, and in any shaft of greater depth than two hundred feet there shall also be in addition to any mark on the rope or cable a geared indicator which will show to the person who works the machine the position of the cage or load in the shaft.
39. No person shall ride upon or against any loaded Riding on loaded cars, etc. car in any level, drift or tunnel in or about any mine.

*Scaling, Escapement, Shafts, Etc.*

40. The manager or captain or other competent officer Daily examination. of every mine shall examine at least once every day all working shafts, levels, stopes, tunnels, drifts, crosscuts, raises, signal apparatus, pulleys and timbering in order to ascertain that they are in a safe and efficient working condition, and he

Record to be kept of all scaling operations.

shall inspect and scale, or cause to be inspected and scaled, the walls and roofs of all stopes or other working places at least once every week, and shall enter the record of such scaling operations in a book kept for that purpose in the mine office.

Escapement shafts.

41. Every person who has sunk in any mine a vertical or inclined shaft to a greater depth than 100 feet, and who has drifted a distance of 200 feet or more from the shaft and has commenced to stope, shall provide and maintain, in addition to the hoisting shaft or the opening through which men are let into or out of the mine and the ore is extracted, a separate escapement shaft or opening. Such auxiliary exit shall not be less than 50 feet from the main hoisting shaft and shall not be covered by any inflammable structure. If such an escapement shaft or opening is not in existence at the time that stoping is commenced, work upon it shall be begun as soon as stoping is commenced, and shall be diligently prosecuted until the same is completed, and the escapement shaft or opening shall be continued to and connected with the lowest workings in the mine. The escapement shaft or opening shall be of sufficient size to afford an easy passage way, and shall be provided with good and substantial ladders from the deepest workings to the surface. With the exception of any erection used solely as a shaft-house, no permanent building, for any purpose, shall be erected within fifty feet of the mouth of a mine, unless there is such an auxiliary exit. No boiler shall be installed in any building within 50 feet of the mouth of any shaft.

Buildings not to be erected nearer than 50 feet to the mouth of a mine.

Provido.

Provided that where the timber and wood in the hoisting shaft of a mine are constantly wet, and in the opinion of the Inspector it is not necessary for the safety of the workmen that the escapement shaft or opening be continued to and connected with the lowest workings, he may in writing so certify, and thereupon such requirement shall not apply to such mine, but the Inspector may require any other precautions to be taken which he may deem necessary.

42. All timber not in use to sustain the roof or walls or any part of a mine shall as soon as practicable be taken from the mine and shall not be piled up and permitted to decay therein. <sup>Old timber to be removed.</sup>
43. All oils and other inflammable materials shall be stored or kept in a building erected for that purpose, and at a safe distance from the powder magazine and from the main buildings, and shall be removed therefrom for use in such quantities only as are necessary to meet the requirements of one day. <sup>Storing oils, etc.</sup>

### *Signals.*

44. Every working shaft which exceeds 50 feet in depth, unless otherwise permitted in writing by the Inspector, shall be provided with some suitable means of communicating by distinct and definite signals from the bottom of the shaft and from every level for the time being in work between the surface and the bottom of the shaft, to the hoist room. <sup>Signalling.</sup>
45. All methods of signalling in a mine shall be printed and posted up in the engine house or hoist house and also at the top of the shaft and at the entrance of each level. <sup>Code of signals.</sup>

The following code of mine signals shall be used at every mine:—

### *Code of Mine Signals.*

- |         |       |                                 |
|---------|-------|---------------------------------|
| 1 bell  | ..... | Stop immediately—if in motion.  |
| 1 bell  | ..... | Hoist.                          |
| 2 bells | ..... | Lower.                          |
| 3 bells | ..... | Men about to ascend or descend. |

The 3-bell signal must be given before men enter cage, which must not be moved until the "Hoist" or "Lower" signal is given and then slowly.

- |         |       |  |
|---------|-------|--|
| 4 bells | ..... | Blasting signal. Engineer must answer by raising bucket, skip or cage a few feet and letting it back slowly, then one bell, hoist men away from blast. |
|---------|-------|--|

- 9 bells ..... Danger signal in case of fire or other danger. Then ring number of station where danger exists.

Special signals in addition to the above may be used at any mine, if they have been approved by the Inspector.

Who may use signals.

46. No person but the cage tender shall ring the signal bell, and the signal to move the cage, skip or bucket shall be given only when the same is at the level from which the signal is to be given.

*Protection from Machinery.*

Railing or casing when required.

47. Every fly-wheel, geared-wheel, bull-wheel, pulley or belt, and every opening through which any wheel or belt operates, shall be enclosed with a substantial railing or casing.

Uneven projections to be covered.

48. Every key, bolt, set-screw, and every part of any wheel or other revolving machinery which projects unevenly from the surface shall be covered.

Runways, etc., used for oiling to have hand rail.

49. Every runway, stair and staging used for oiling or other purposes more than five feet from the floor shall be provided with hand-railing.

Protection of entrances.

50. Every entrance to any elevator, hatchway or well-hole shall be provided with a suitable trap-door, guard-rail, or automatically closing gate.

Wearing loose clothing.

51. Persons engaged in dangerous proximity to moving machinery shall not wear or be allowed to wear loose outer clothing.

Frogs in tracks.

52. Every frog in a track, either above or below ground, on which cars are moved by mechanical power shall have a guard block of wood or iron.

Gongs, etc., on hauling engines.

53. Every locomotive engine, trolley or motor car used for hauling material, either above or below ground shall be equipped with a gong, bell or whistle, which shall be sounded when starting and at such other times as warning of danger may be required.

Steam boilers.

- 54.—(1) Every steam boiler used for generating steam in or about a mine shall, whether separate or one of a range—

- (a) Have attached to it a proper safety-valve, <sup>Safety valves.</sup> and also a proper steam-gauge and water-gauge, to show respectively the pressure of steam and the height of water in each boiler;
  - (b) Be inspected by a competent person, not an <sup>Inspection.</sup> employee of the owner or agent, at least once in every twelve months; and a certified copy of the report of the Inspector shall be forwarded to the Inspector within seven days;
  - (c) Be cleaned out and examined internally, as <sup>Cleaning.</sup> far as the construction of the boiler will permit, by the person in charge of it, at least once in every three months.
- (2) Every such boiler, safety-valve, steam-gauge and <sup>Maintenance.</sup> water-gauge shall be maintained in proper working condition.

### *Dressing Rooms.*

55. If more than ten persons to each shift are ordinarily employed in the mine below ground, sufficient accommodation, including supplies of pure cold and warm water for washing, shall be provided above ground near the principal entrance of the mine, and not in the engine room or boiler room, for enabling the persons employed in the mine to conveniently dry and change their clothes. <sup>Dressing room.</sup>

### *Aid to Injured.*

56. At every mine where six or more men are employed in underground work, a properly constructed <sup>Stretchers for conveyance of injured persons.</sup> stretcher shall be kept for the purpose of conveying to his place of abode any person who may be injured while in the discharge of his duties at the mine.
57. A supply of articles suitable for first aid shall be <sup>Supplies for first aid.</sup> kept accessible at every mine for the treatment of anyone injured, including the following:—antiseptic gauze, carbolated vaseline, sponges, soap, carbolic acid, tablets of bichloride of mercury, linseed oil, bandages, towels and a wash basin.

Antidotes  
and washes.

58. At every mine or works where poisonous or dangerous compounds, solutions or gases are used or produced there shall be kept in a conspicuous place as near the same as practicable, a sufficient supply of satisfactory antidotes and washes for treating injuries received from such compounds, solutions or gases. Such antidotes and washes shall be properly labelled, and explicit directions for their use affixed to the boxes containing them.

### *Prevention of Dust.*

Removal  
of dust.

59. In every mill or plant where, by reason of dry crushing or otherwise, there is in the air of the building dust in quantity to be injurious to health, suitable apparatus shall be installed for its removal.

Keeping  
water sup-  
ply to lay  
dust.

60. Every dusty place where work is being carried on in a mine shall be adequately supplied at all times with clean water under pressure or other approved appliances for laying the dust caused by drilling or blasting operations.

Time for  
blasting.

61. The times for blasting shall be so fixed that the workmen shall be exposed as little as practicable to dust and smoke.

Shields for  
protection  
against  
burning.

62. Workmen employed at metallurgical works, shall be supplied with suitable shields and appliances to protect them as far as possible from being burned with molten material.

### *Use of Electricity.*

#### *Definitions.*

"Pressure."

63. The word "pressure" in this and the following rules down to and including rule 95, shall mean the difference of electrical potential between any two electrical conductors.

"Low pres-  
sure sys-  
tem."

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth, at the terminals where the electrical energy is being used does not normally exceed 250 volts, this shall be deemed a low pressure system.

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth, at the terminals where the electrical energy is being used normally exceeds 250 volts, but does not normally exceed 600 volts, this shall be deemed a medium pressure system. "Medium pressure system."

Where the conditions of the system are such that the pressure between any two conductors, or between any conductor and the earth, at the terminals where the electrical energy is being used normally exceeds 600 volts, this shall be deemed a high pressure system. "High pressure system."

### *Construction of Apparatus.*

64. All electrical apparatus and conductors shall be sufficient in size and power for the work they may be called upon to do, and, so far as is reasonably practicable, efficiently covered or safeguarded and so installed, worked and maintained as to reduce the danger to person or property through accidental shock or fire to the minimum, and shall be of such construction, and so worked, that the rise in temperature, caused by ordinary working will not injure the insulating materials. Requirements as to electrical apparatus and conductors.
65. A transformer for transforming a high pressure to a medium or low pressure shall be placed in a separate fireproof compartment, used only for that purpose. Transformers in separate buildings.
66. A higher pressure than a medium pressure shall not be used for portable motors nor for any other purpose underground. Higher than medium pressure, when prohibited.
67. Electric energy shall not be used directly to thaw explosives. Thawing explosives.
68. No motor outside a machine or motor room shall be operated at a pressure exceeding the limits of medium pressure. Limit of pressure on motor.
69. Main and distribution switch and fuse boards must be made of incombustible insulating material, such as marble or slate, free from metallic veins, and be fixed in as dry a situation as practicable. Insulating material.

**Safety in construction.**

70. All electric switches, controllers, motor-starting devices or other apparatus essential to the operation of electric motors or other equipment shall be constructed in such a way that they may be safely used for the purposes for which they are intended, and shall be maintained in such condition.

*Insulation and Grounding.*

**Wires and conductors to be enclosed and grounded.**

71. Where a medium-pressure supply is used for power purposes or for arc lamps in series, the wires or conductors forming the connections to the motors, transformers, arc lamps, or otherwise in connection with the supply, shall be, as far as is reasonably practicable, completely enclosed in strong armoring or metal casing efficiently grounded to earth, or they shall be fixed at such a distance apart, or in such a manner that danger from fire or shock may be reduced to a minimum. This rule shall not apply to trailing cables.

**When only medium pressure may be used.**

72. No higher pressure than a medium pressure supply shall be used other than for transmission or for motors, and the wires or conductors to the motors or transformers or otherwise in connection with the supply shall be completely enclosed in a strong armoring or metal casing efficiently connected with earth, or they shall be fixed at such a distance apart or in such a manner that danger to person or property from fire or shock shall be reduced to a minimum.

**Metallic coverings, etc., to be grounded.**

73. All metallic coverings, armoring of cables, and the frames and bed-plates of generators, transformers and motors other than portable motors shall, as far as is reasonably practicable, be efficiently grounded.

**Insulators for overhead bare wires.**

74. Overhead bare wires on the surface must be efficiently supported upon insulators and be clear of any traffic, and be provided with efficient lightning arresters.

**Cables used in shafts.**

75. All cables used in shafts for the transmission of electrical energy must be highly insulated and substantially fixed. Shaft cables not capable of sustaining their own weight shall be properly supported at intervals according to the weight of the cable.



76. Low pressure wires for lighting or signal circuits shall either be conveyed in metallic conduits or casings, or suspended from or securely tied to porcelain or glass insulators, so that they do not touch any timbering or metal. On no account shall staples be used. If metallic conduits are used they must be grounded, and if not electrically continuous every section must be grounded. If separate uncased wires are used they shall be kept at least three inches apart and not brought together except at lamps or fittings. Insulation of low pressure wires.
77. All proper precautions must be taken to prevent electric, signal or telephone wires coming into contact with other electric conductors, whether insulated or not. Precautions against contact of electric conductors.

*Switches, Fuses and Cut-offs.*

78. Fuses and automatic cut-outs shall be so constructed as effectually to interrupt the current when a short circuit occurs, or when the current through them exceeds the normal working current by 100 per cent. Fuses shall be stamped or marked or shall have a label attached indicating the current with which they are intended to be used, or where fuse wire is used each coil in use shall be so stamped or labelled. Fuses shall only be adjusted or replaced by an authorized person. Fuses and automatic cut-outs.
79. All live parts of switches, fuses and cut-outs, not in machine rooms, or in compartments specially arranged for the purpose, must be covered. The covers must be of incombustible material and must be either non-conducting or of rigid metal, and as far as practicable clear of all internal mechanism. Covering live parts of switches, etc.

*Trolleys and Portable Apparatus.*

80. In underground roads the trolley wires shall be placed as close to the side as practicable, and in a straight line, and securely supported at frequent intervals. In all roads where it is necessary for men to travel on foot, all wires, except signal wires, must be placed on the same side of the roadway and efficiently protected. Signal wires Trolley wires in underground roads. Signal wires.

should, where practicable, be placed on the opposite side of the roadway from other wires.

**Protection of wires.**

81. At all landings, turn-outs, partings or crossings, or other places where it is necessary for men to pass near the wires, a suitable protection shall be placed around the wires, or the pressure must be cut off when such places are used for travelling on foot. Sufficient illumination to make the wires plainly visible shall be provided at all points where men are liable to come in contact with power wires.

**Illumination**

**Automatic trolley switch or section insulator.**

82. Every branch trolley shall be fitted with an automatic trolley switch or section insulator and line switch, or some other device that will allow the pressure to be cut off from such trolley when not actually in use. Danger signals, consisting of no fewer than two red lights in parallel, and as many in series as may be necessary, shall be connected at suitable intervals to all branch trolley circuits to indicate when the current is on. A notice shall be posted at the entrance to all roadways carrying exposed power wires, warning persons against the dangers of carelessly carrying metal tools such as drills, picks, etc., which may come in contact with the wires.

**Danger signals**

**Trolley wires on surface roads.**

83. On roads above ground the trolley wires shall be at least 8 feet above the rail level and efficiently guarded.

**Trailing cables.**

84. A trailing cable shall be especially flexible, heavily insulated and protected with extra stout braiding or other equally effective covering, and in the event of its breaking down or being damaged, or of its inflicting a shock upon any person, it shall at once be put out of service, and shall not be used again until it has been repaired and tested by the mine electrician.

**Electric drilling machine.**

85. The person in charge of an electric drilling machine shall not leave the machine while it is working, and shall see that the pressure is cut off from the trailing cables before leaving the working place.

*Supervision and Working of Apparatus.*

86. A competent person shall be in charge of the electrical apparatus or machinery when it is in use at the mine, and at such time as the amount of electrical energy delivered down the mine exceeds 150 kilowatts, a competent person shall also be in charge below ground. Every person operating or having charge of any electric apparatus shall have been instructed in his duty and be competent for the work that he is set to do. Competent person to be in charge.
87. No person shall wilfully damage, interfere with or without proper authority remove or render useless any electric line, or any machine, apparatus or part thereof used in connection with the supply or use of electricity. Damaging or interfering with machinery, etc.
88. No person, other than a person authorized by the owner, manager or superintendent, shall enter a machine transformer or motor room or interfere with the working of any machine, transformer, motor or apparatus, connected therewith, and when the authorized person is not present the door of such room shall be kept securely locked. Unauthorized persons not to go into transformer rooms, etc.
89. The machines, apparatus and lines shall be so marked as to clearly indicate that they are high pressure. Marking high pressure appliances.
90. A sufficient number of fire buckets filled with clean, dry sand shall be kept in electrical machine rooms ready for immediate use in extinguishing fires. Fire buckets of sand to be kept.
91. No repair or cleaning of live parts of any electrical apparatus or work in dangerous proximity thereto, except mere wiping or oiling, shall be done when the current is on. Repairs, etc., when current is on.
92. Gloves, mats or shoes of India rubber or other insulating material shall be supplied and used where the live parts of switches, machines or other apparatus working at a pressure exceeding the limits of low pressure have to be handled for the purpose of adjustment. India rubber gloves, mats or shoes to be used.

*Shot Firing.*

Using elec-  
tricity for  
firing shots.

- 93.—(a) Electricity from lighting or power cables shall not be used for firing shots, except when a special firing plug, button or switch is provided, which plug, button or switch shall be placed in a fixed locked box, and shall only be accessible to the authorized shot firer.

Connection  
and discon-  
nection.

- (b) The firing cables or wires shall not be connected to this box until immediately before they are required for the firing of shots, and shall be disconnected immediately after the shots are fired.

Precautions  
in using  
shot-firing  
cables.

94. When shot-firing cables or wires are used in the vicinity of power or lighting cables, sufficient precautions shall be taken to prevent the shot-firing cables or wires coming in contact with the lighting or power cables.

*Exemptions.*

Continuing  
use of  
certain ap-  
pliances.

95. Notwithstanding anything contained in these rules, any electrical plant or apparatus installed or in use, on or before the twenty-fourth day of March, 1911, may be continued in use, unless the Inspector shall otherwise direct.

*Damage to Property.*

Wilful  
damage.

96. No person shall wilfully damage, or without proper authority remove or render useless, any fencing, casing, lining, guide, means of signalling, signal, cover, chain, flange, horn, brake, indicator, ladder, platform, steam-gauge, water-gauge, safety-valve, or other appliance or thing provided in any mine in compliance with this Act.

*General.*

Persons  
under the  
influence of  
or carry-  
ing liquor.

97. No person under the influence of or carrying intoxicating liquor shall enter any mine or be in the proximity of any working place on the surface or near any machinery in motion.

98. There shall always be enforced and observed by the owner and the agent of a mine, and by every manager, superintendent, contractor, captain, foreman, workman and other person engaged in or about the mine, such care and precaution for the avoidance of accident or injury to any person in or about the mine as the particular circumstances of the case require; and the machinery, plant, appliances and equipment and the manner of carrying on operations shall always, and according to the particular circumstances of the case, conform to the strictest considerations of safety.

*Posting up Rules.*

99. Instructions and rules required by this Act to be posted in or about a mine shall be written or printed in the English language and also in such other language as may be necessary to inform any considerable number of workmen employed at the mine, and the owner or agent of the mine shall maintain such instructions and rules, duly posted, and the removal or destruction of them shall be an offence against this Act. 2 Geo. V. c. 8, s. 18.

**PAYMENT OF WAGES.**

**165.**—(1) No wages shall be paid to any person employed in or about any mine to which this part applies at or within any tavern, shop or place where spirits, wine, beer or other spirituous or fermented liquors are sold or kept for sale, or within any office, garden, or place belonging or contiguous thereto or occupied therewith.

(2) Every person who contravenes or permits any person to contravene this section shall be guilty of an offence against this Act, and in the event of any such contravention by any person whomsoever the owner and agent of the mine in respect of which the wages were paid shall also each be guilty of an offence against this Act, unless he proves that he had taken all reasonable means to prevent such contravention by publishing and to the best of his power enforcing the provisions of this section. 8 Edw. VII. c. 21, s. 165.

## DAMAGE TO OTHER CLAIMS.

Licensees  
not to dam-  
age other  
claims.

**166.** In mining operations no person shall without right or authority cause damage or injury to the holder of any mining property by throwing earth, clay, stones, or mining material on such other mining property, or by causing or by allowing water which may be pumped or bailed or which may flow from a mining claim or other mining property of such person, to flow into or upon such other mining property, and the offender in addition to any civil liability shall incur a penalty of not more than \$10 for every day such damage or injury continues, and in default of payment of the penalty and costs, may be imprisoned for any period not exceeding one month. 8 Edw. VII. c. 21, s. 166; 2 Geo. V. c. 8, s. 19.

## PARTY WALL.

Party walls,  
thickness of.

**167.**—(1) Unless the owners agree to dispense therewith, in all mining operations there shall be left between all adjoining properties a party wall at least fifteen feet thick (being seven and one-half feet on each property), to the use of which the adjoining owners shall be entitled in common.

Use in  
common.

(2) The owners shall be entitled to use such party wall in common as roadway for all purposes, and such roadway shall not be obstructed by the throwing of soil, rock or other material thereon, or in any other way, and any person obstructing the same in addition to any civil liability shall incur a penalty of not more than \$10 for every day such obstruction continues.

Dispensing  
with.

(3) Any such adjoining owners may in any case apply to the Commissioner, who may make an order dispensing with such party wall or roadway, or providing for the working of any material therein, or otherwise, as he may deem just. 8 Edw. VII. c. 21, s. 167.

Accidents  
causing

**168.**—(1) Where, in or about any mine, whether above or below ground, any accident occurs which causes:

Death or

(a) Loss of life to any person employed in or about the mine, or

Serious  
injury.

(b) Fracture or dislocation of any of the bones of the body, or any other serious personal injury, to any person employed in or about the mine.

The owner, agent, manager or superintendent of the mine shall within twenty-four hours next after the accident, send notice in writing of the accident, and of the loss of life or personal injury occasioned thereby, to the Deputy Minister, in such form and accompanied by such particulars as may be prescribed by him.

To be reported to Deputy Minister.

"Serious personal injury" shall mean such an injury as in the opinion of the attending physician may result in the injured person being incapacitated for work for at least seven days.

"Serious, personal injury," meaning of.

- (2) Where in or about any mine, Accidents.
- (a) Any case of overwinding a skip or cage; Over-winding.
- (b) Any breakage of a rope or cable used for hoisting; Breakage in cables.
- (c) Any inrush of water from old workings or otherwise; Inrush of water.
- (d) Any outbreak of fire below ground; or Fire below ground.
- (e) Any premature or unexpected explosion occurs, Explosions.

Whether or not loss of life or personal injury is caused thereby, the owner, agent, manager, or superintendent shall, within twenty-four hours next after the occurrence, send notice in writing to the Inspector, and shall furnish such particulars in respect thereof as may assist the Inspector in making inquiry into the circumstances. 2 Geo. V. c. 8, s. 20.

Notice to Inspector.

**169.** Where mining operations have been commenced upon any mine, claim, location or works in Ontario, or where such operations have been discontinued, or where such operations have been recommenced after an abandonment or discontinuance for a period exceeding two months, or where any change is made in the name of a mine or in the name of the owner or agent thereof, or in the officers of any incorporated company which is the owner thereof, the owner or agent of such mine, claim, location or works shall give notice thereof to the Deputy Minister within two months after such abandonment, discontinuance, recommencement or change, and if such notice is not given the owner or agent shall be guilty of an offence against this Act. 8 Edw. VII. c. 21, s. 169.

Notice of changes in connection with the working of a mine or in respect of its officers.

## STATISTICAL RETURNS.

Statistical  
returns by  
owners and  
agents of  
mines.

**170.**—(1) For the purpose of their tabulation under the instructions of the Minister the owner or agent of every mine, quarry or other works to which this Act applies shall on or before the 15th day of January in every year send to the Bureau of Mines a correct return for the year which ended on the 31st day of December next preceding, showing the number of persons ordinarily employed below and above ground respectively, and distinguishing the different classes and ages of the persons so employed whose hours of labor are regulated by this Act, the average rate of wages of each class and the total amount of wages paid during the year, the quantity in standard weight of the mineral dressed, and of the undressed mineral which has been sold, treated or used during such year, and the value or estimated value thereof, and such other particulars as the Minister may by regulation prescribe.

Monthly or  
quarterly  
returns.

(2) The owner or agent of every metalliferous mine shall, if required, make a similar return for the month or quarter at the end of each month or quarter of the calendar year.

Penalty.

(3) Every owner or agent of a mine, quarry or other works who fails to comply with this section, or makes any return which is to his knowledge false in any particular, shall be guilty of an offence against this Act. 8 Edw. VII. c. 21, s. 170.

## PLANS OF WORKING.

Plans to be  
produced on  
inspection of  
mine.

**171.**—(1) On any examination or inspection of a mine the owner shall, if required, produce to the Inspector, or to any other person authorized by the Minister or Deputy Minister an accurate plan of the workings of the same.

Marking  
subsequent  
progress on  
plan.

(2) The plan shall show the workings of the mine up to within six months of the time of the examination or inspection, and the owner shall, if required by the Inspector or other authorized person, cause to be marked on the plan the progress of the workings of the mine up to the time of the examination or inspection, and shall also permit him to take a copy or tracing thereof.



(3) An accurate plan of every working mine in which levels, crosscuts or other openings have been driven from any shaft, adit or tunnel, and of every mine consisting of a tunnel or shaft fifty feet or more in length shall be made and a certified copy filed in the Bureau of Mines on or before the 31st day of January in each year, showing the workings of the mine up to and including the 31st day of December next preceding, and whenever work has been discontinued or abandoned for a period of one month such plan shall be filed within two months from the date of cessation of work. Plan of working mines to be filed.

(4) Failure on the part of the owner or agent of the mine to comply with any provision of this section shall be an offence against this Act. Failure to furnish plans.

(5) Every such plan shall be treated as confidential information for the use of the officers of the Bureau of Mines, and shall not be exhibited nor shall any information contained therein be imparted to any person except with the written permission of the owner or agent of the mine. 8 Edw. VII. c. 21, s. 171; 2 Geo. V. c. 8, s. 22. Plans to be treated as confidential.

#### POWERS AND DUTIES OF INSPECTOR.

**172.**—(1) It shall be the duty of every Inspector, and he shall have power, Powers of Inspectors.

- (a) To make such examination and inquiry as he may deem necessary to ascertain whether the provisions of this Act are complied with; Inquiries as to compliance with Act.
- (b) To enter, inspect and examine any mine and every portion thereof at all reasonable times by day or night, but so as not to unnecessarily impede or obstruct the working of the mine; Inspection.
- (c) To examine into and make inquiry respecting the state and condition of any mine, or any portion thereof, and the ventilation of the mine, and all matters and things connected with or relating to the safety of the persons employed in or about the mine, or any mine contiguous thereto, and to give notice to the owner or agent in writing of any particulars in which he considers such mine or any portion thereof, or any matter, thing or practice to be dangerous or defective or contrary to the provisions of this Act, and to Examination as to matters affecting health and safety of employees.

require the same to be remedied within the time named in such notice;

Stopping  
work when  
mine unsafe.

(d) To order the immediate cessation of work in and the departure of all persons from any mine or portion thereof which he considers unsafe, or to allow persons to continue to work therein on such precautions being taken as he deems necessary;

General  
powers for  
protection of  
miners.

(e) To exercise such other powers as may be necessary for ensuring the health and safety of miners and all other persons employed in or about mines, smelters, metallurgical and mining works.

Annual  
report.

(2) It shall be the duty of every Inspector to make an annual report of his proceedings during the preceding year to the Deputy Minister.

Report to be  
laid before  
Assembly.

(3) The annual report shall be laid before the Assembly. 8 Edw. VII. c. 21, s. 172.

Special  
report.

**173.**—(1) The Minister may direct an Inspector to make a special report with respect to any accident in or about any mine which has caused loss of life or personal injury to any person.

Inspectors  
may take  
evidence.

(2) In conducting the inquiry the Inspector shall have power to compel the attendance of witnesses and the production of books, documents and things, and to take evidence upon oath. 8 Edw. VII. c. 21, s. 173.

Offences  
against  
Part IX.

**174.** Noncompliance with any rule contained in section 164 or with any other provision of Part IX. shall be an offence against Part IX. of this Act, of which the owner and the agent of the mine and every manager, superintendent, captain, foreman, workman and other person engaged in or about the mine shall each be guilty. 2 Geo. V. c. 8, s. 23.

Liability  
of contrac-  
tors and  
sub-  
contractors.

**175.** Where work in or about a mine is let to a contractor or sub-contractor, he shall comply and enforce compliance with all the rules and provisions of Part IX. and shall in any case of non-compliance therewith be guilty of an offence and punishable in like manner as if he were owner or agent. 2 Geo. V. c. 8, s. 24.

# PART X.—OFFENCES, PENALTIES AND PROSECUTIONS.

## 176. Every person who

- (a) Prospects, occupies or works any Crown lands or mining rights for minerals otherwise than in accordance with the provisions of this Act, or 6 Edw. VII. c. 11, s. 103; Description  
of offences.
- (b) Wilfully defaces, alters, removes or disturbs any post, stake, picket, boundary line, figure, writing or other mark lawfully placed, standing or made under this Act, or
- (c) Wilfully pulls down, injures or defaces any rules, or notice posted up by the owner or agent of a mine, or
- (d) Wilfully obstructs the Commissioner or any officer appointed under this Act in the execution of his duty, or
- (e) Being the owner or agent of a mine refuses or neglects to furnish to the Commissioner or to any person appointed by him or to any officer appointed under this Act the means necessary for making an entry, inspection, examination or enquiry in relation to any mine, under the provisions of this Act other than Part IX., or
- (f) Unlawfully marks or stakes out in whole or in part a mining claim, a quarry claim, or a placer mining claim, or an area for a working permit or boring permit, or
- (g) Wilfully acts in contravention of the provisions of this Act other than Part IX. in any particular not hereinbefore set forth, or
- (h) Wilfully contravenes any provision of this Act or any rule or regulation made thereunder for the contravention of which no other penalty is provided, or

- (i) Attempts to do any of the acts mentioned in the foregoing clauses,

**Penalty.** shall be guilty of an offence against this Act and shall incur a penalty not exceeding \$20 for every day upon which such offence occurs or continues. 8 Edw. VII. c. 21, s. 176.

**Disobeying order or award of Commissioner.**

**177.** Every person who wilfully neglects or refuses to obey any order or award of the Commissioner except for the payment of money, shall, in addition to any other liability, incur a penalty not exceeding \$250, and upon conviction thereof shall be liable to imprisonment for a period not exceeding six months unless such penalty and costs are sooner paid. 8 Edw. VII. c. 21, s. 177.

**Use of word "Bureau" prohibited**

**178.—(1)** No person who

- (a) Carries on the business of mining or dealing in mines, mining claims, mining lands, or mining rights, or the shares, stocks, or bonds of a mining company, or
- (b) Acts as broker or agent in or for the disposal of any mines, mining claims, mining lands, or mining rights, or of any such shares, stock or bonds, or
- (c) Offers or undertakes to examine or report on a mine, mining claim, mining land or mining rights,

shall use the word "Bureau" as the name or title or part of the name or title under which he acts or carries on business.

**Penalty.** (2) Every person who contravenes the provisions of this section shall incur a penalty of not more than \$20 for every day upon which such offence occurs or continues. 8 Edw. VII. c. 21, s. 178.

**Liability of owner or agent offending against Part IX.**

**179.—(1)** Every owner, agent, manager, superintendent or captain, who is guilty of an offence against Part IX. shall incur a penalty of not less than \$100 nor more than \$1,000.

**Other person so offending.**

(2) Every person other than an owner, agent, manager, superintendent or captain engaged or employed in or about a mine who is guilty of an offence against Part IX. shall incur a penalty of not less than \$10 nor more than \$100.

(3) Where the Deputy Minister or an Inspector has given written notice to an owner or agent or any person engaged or employed in or about a mine that an offence has been committed against Part IX., such owner or agent or other person shall incur a further penalty not exceeding \$100 for every day upon which the offence continues after such notice.

Additional penalty for continuing offence.

(4) Every such owner or agent shall upon conviction be liable to imprisonment for a period not exceeding three months unless the penalty and costs are sooner paid, and every person other than an owner or agent so employed shall upon conviction be liable to imprisonment for a period not exceeding one month unless the penalty and costs are sooner paid. 8 Edw. VII. c. 21, s. 179 (1) (4); 9 Edw. VII. c. 17, ss. 9, 10.

Imprisonment in default of payment of penalties.

(5) Where the offence is one which might have endangered the safety of those employed in or about the mine or caused serious personal injury or dangerous accident and was committed wilfully by the personal act, default or negligence of the accused, every person who is guilty of an offence against Part IX. shall, in addition to or in substitution for any pecuniary penalty that may be imposed, be liable to imprisonment with or without hard labor for a period not exceeding three months. 9 Edw. VII. c. 17, s. 11; 2 Geo. V. c. 8, s. 25; 3-4 Geo. V. c. 18, s. 12.

Imprisonment of offender against Part IX. in certain cases.

**180.**—(1) No prosecution shall be instituted for an offence against Part IX. or any regulation made in pursuance thereof except

Instituting prosecutions for offence against Part IX.

(a) By an Inspector, or

(b) By the direction of the County or District Crown Attorney, or

(c) By the leave in writing of the Attorney-General; or for an offence against any other of the provisions of this Act or of any rule or regulation made in pursuance thereof, except

For offences against other provisions.

(a) By or by leave of the Commissioner or a Recorder,

(b) By leave of the Attorney-General, or

(c) By direction of the County or District Crown Attorney;

When person not actual offender not liable.

No person not being the actual offender shall be liable in respect of such offence if he proves that he did not participate in the contravention of the rule or provision for a breach of which he is charged and that he was not to blame for such breach and that according to his position and authority he took all reasonable means in his power to prevent such breach and to secure compliance with the rules and provisions of Part IX. 8 Edw. VII. c. 17, s. 11; 2 Geo. V. c. 8, s. 26.

Onus of proof that compliance with rules not practicable.

(2) The burden of showing that the observance or carrying out of any rule contained in section 164 was not deemed by the Inspector to be reasonably practicable shall be upon the accused, but it may be proved by a certificate from the Inspector or by his evidence given at the hearing. 2 Geo. V. c. 8, s. 27.

Procedure on prosecutions.

**181.**—(1) Except as to offences against section 12, every prosecution for an offence against or for the recovery of a penalty imposed by or under the authority of this Act shall take place before a Police Magistrate or a Justice of the Peace having jurisdiction in the County or District in which the offence is committed, or before the Commissioner or a Recorder, and save as herein otherwise provided the provisions of *The Ontario Summary Convictions Act* shall apply to every such prosecution.

Rev. Stat. c. 90.

Limitation of prosecutions.

(2) The prosecution shall be commenced within six months after the commission of the offence. 8 Edw. VII. c. 21, s. 181.

## PART XI.—GENERAL PROVISIONS.

### LIEN FOR WAGES.

Registration, etc. Rev. Stat. c. 140.

**182.** The provisions of *The Mechanics' and Wage Earners' Lien Act* shall apply to mines, mining claims, mining lands or works connected therewith except that in the case of unpatented land and mining rights the registration provided for by the said Act shall be in the office of the Recorder. 8 Edw. VII. c. 21, s. 182.

Mine workers to have lien for wages.

**183.**—(1) Every person who performs labour for wages in connection with any mine, mining claim, mining lands or works connected therewith shall have a lien thereon and up-

on any other property of the owner therein or thereon for such wages, not exceeding the wages for thirty days, or a sum equal to his wages for thirty days, and such lien may be enforced in the manner provided by section 182. 8 Edw. VII. c. 21, s. 183.

(2) Where satisfied that any claim for lien recorded under or by reason of this or the next preceding section is made or recorded improperly or for the purpose of embarrassment the Commissioner may cancel and remove the same. 2 Geo. V. c. 8, s. 21. Cancelling  
lien for  
wages

#### LIQUOR LICENSES.

**184.**—Excepting in cities, towns and villages, no license shall hereafter be issued under *The Liquor License Act* for any tavern, shop or club, not on the 14th day of May, 1906, under license for the sale of intoxicating liquor, within six miles of any mine or mining camp where six or more workmen are employed. 8 Edw. VII. c. 21, s. 184. Liquor  
licenses for-  
bidden with-  
in six miles  
of certain  
mines.  
Rev. Stat.  
c. 215.

#### PRESERVATION OF PEACE.

**185.** The Lieutenant-Governor in Council may declare by proclamation that *The Public Works Peace Preservation Act* shall be in force in any Mining Division or in any defined locality therein, and upon and after the date named in any such proclamation section 1 and sections 3 to 11 inclusive of that Act, shall take effect within the Mining Division or locality designated in the proclamation, and the provisions of the said Act shall apply to all persons employed in any mine or in mining within the limits of such Mining Division or locality in the same manner and to the same extent as nearly as may be as if the persons so employed had been specially mentioned and referred to in such Act. 8 Edw. VII. c. 21, s. 185. Powers of  
Lieutenant-  
Governor  
in Council.  
  
Rev. Stat.  
c. 36.

#### EXPLORATORY DRILLING.

**186.** The Minister may, out of any money appropriated for the purpose, purchase such diamond drills as he may deem necessary for use in prospecting for ores or minerals under rules and regulations made by the Lieutenant-Governor in Council which may provide— Purchase of  
drills for  
prospecting  
purposes.

- (a) For the control and working of the drills under the direction of a person employed for the purpose by the Bureau of Mines;
- (b) For the payment of freight charges where the drills are used upon mines or land other than those owned by the Crown;
- (c) As to applications for use of the drills and the method of dealing therewith;
- (d) As to charges for use of the drills and for damages thereto, or wear and tear connected therewith,

and otherwise as to the Lieutenant-Governor in Council shall seem proper. 8 Edw. VII. c. 21, s. 186.

#### RIGHTS AND EASEMENTS.

What rights over other lands may be conferred by Commissioner.

**187.**—(1) Where required for or in connection with the proper working of a mine, mill for treating ore, or quarry, the owner, lessee or holder of it or the person entitled to work the same, may, subject as hereinafter provided, obtain and have vested in him by order or award of the Commissioner, made after hearing such parties interested as may appear, or on appeal from him;

Constructing ditches, flumes, etc., for water.

- (a) The right to open, construct, put in, maintain and use ditches, tunnels, adits, pipes, conduits, flumes and other works through, over or upon any land for the drainage, conveyance or passage of water;

Discharging water on land.

- (b) The right to discharge water upon any land or by, through or into any existing means of drainage, whether natural or artificial;

Draining or diverting waters in streams, etc.

- (c) The right to drain off, lower or divert the water of any lake, pond, river, stream or watercourse, or any other water, notwithstanding that the same or part thereof may be on the land of or owned by any other person or that any other person may have rights or interests in or to such water or the use thereof;

Storing water,—flooding.

- (d) The right to collect and dam back water, notwithstanding that it may overflow other land;



- (e) The right to take or divert and use for or in connection with the working of his own mine or quarry and bring thereto for such use any specified water, and to construct and maintain dams and other works and do all other things necessary or convenient therefor; Right to take water.
- (f) Rights of way or passage through or over any land or water, and the right to construct, improve, maintain and use suitable roads, tramways, aerial tramways, channels, waterways, passages and other means of transit and transportation upon, through or over any land or water, together with such other rights of entry upon and use of land and water as may be necessary or convenient therefor; Rights of way for roads, tramways, aerial tramways, etc.
- (g) The right to transmit electricity or any other kind of power, or have it transmitted, through or over any land or water in any form or manner and to do everything necessary or convenient therefor; Transmission of electricity.
- (h) The right to enter upon and use for or in connection with the working of his own mine or quarry a specified area of other land; Entering upon and using other land.
- (i) The right to deposit tailings, slimes or other waste products upon any land, or to discharge the same into any water, the effect of such deposit or discharge not being injurious to life or health.

(2) No such right shall be granted unless any injury or damage caused to any other person thereby can be adequately compensated for, nor unless in all the circumstances it seems reasonable and fitting to grant the same; and in the exercise of any right so granted no unnecessary injury or damage shall be done to the land, property, rights or interests of other persons, and all injury and damage which may be caused to any person by the granting and exercise of any right obtained under this section shall be fully compensated for. Compensation.

(3) The order or award granting the right shall fix such compensation, or shall provide for the ascertainment thereof and shall contain any provisions that may be deemed proper for securing the same and for protecting the rights and in- How fixed.

terests of any person whose land, property, rights or interests are affected or endangered, and if deemed proper may require the applicant to make grants or concessions to or construct works or do any other thing for, or for the benefit of, any such person or his land or property, and such order or award may in all cases be upon such terms and may grant the right upon such conditions and for such time as may be deemed meet.

**Material to be filed on application.**

(4) In every application for such an order or award the applicant, in addition to anything else required or directed, shall file in duplicate with the Commissioner a clear and precise statement of the right or rights being applied for, of the land or property affected, and the owner or owners thereof so far as the same can be ascertained, a map or plan of the locality showing the land and water involved, and definite and detailed plans and specifications of the works or things proposed to be constructed or done; and for the purpose of preparing the same the Commissioner may authorize the applicant, his engineers and assistants, to enter upon the land of any other person and make such examinations and measurements as may be necessary, and such statement, map or plan, and plans and specifications may by order be amended or altered or modified at any stage of the proceedings. The Commissioner may give directions as to the notice to be given to the parties interested, the time and manner of service, and the particulars to be furnished to such parties respectively.

**Rights conferred to run with the lands.**

(5) All rights and benefits, and burdens and obligations, created under this section shall run with and be appurtenant and incident to the mine, quarry, mining lands, mining rights and the other land, property, rights and interests in respect of which they are created.

**Application to patented land.**

(6) This section shall apply to and against patented, as well as unpatented land, rights and interests, whether owned or held by a corporation or company or a mining or other partnership or by a private person, but nothing contained therein or done thereunder shall, without the consent of the Minister, affect any Crown lands or any public interest.

**Commissioner may change order or award.**

(7) The Commissioner for good cause shown and on such terms as may seem just, may by subsequent order or award at any time change, supplement, alter, vary or rescind any order or award made under the authority of this section.

(8) Rights granted under this section shall not be exercised until the time for appealing from the order or award granting the same has expired, or where an appeal is entered, until the appeal is disposed of, but from and after such time, subject to any restriction or postponement provided for in the order or award, the person to whom any such right is granted may enter upon any land or property and exercise the right so granted, and any person who after such time obstructs the exercise of any such right or wilfully neglects or refuses to obey any order or award made under this section shall be guilty of an offence against this Act, and, in addition to any other liability, shall incur a penalty not exceeding \$250, for each day such obstruction, neglect or refusal continues. 2 Geo. V. c. 8, s. 28.

Rights not to be exercised until after expiration of time for appeal.

Offence and penalty.

#### REGULATIONS BY ORDER IN COUNCIL.

188.—(1) The Lieutenant-Governor in Council may make such rules and regulations as he may deem necessary for carrying out the provisions of this Act or to meet cases which may arise for which no provision is made in the Act, or when he deems the provision made to be ambiguous or doubtful, and may impose penalties not exceeding \$200 or not exceeding three months' imprisonment for the violation of any such rule or regulation.

Lieutenant-Governor in Council may make regulations to carry out provisions of Act.

(2) The Lieutenant-Governor in Council may make such regulations as he may deem necessary for the opening, construction, maintenance and use of roads to, through or over mining claims, mining locations or lands heretofore or hereafter sold or granted as mining lands or recorded as mining claims or locations, and for the opening, construction, maintenance and use of ditches, aqueducts or raceways through, over or upon such claims, locations or land for the conveyance and passage of water for mining purposes.

Regulations as to making roads, ditches, etc.

(3) Rules and regulations made under the provisions of this section shall have force and effect only after the same shall have been published in the *Ontario Gazette*, and if made when the Assembly is sitting shall be laid before the Assembly during the then Session, and if made at any other time shall be laid before the Assembly within the first fifteen days of the Session next after the date thereof, and in case the Assembly at such Session, or if the Session does not continue for three weeks after such rules or regulations are laid before the Assembly, at the ensuing Session, disapproves by resolution of such rule or regulation either wholly or in part, the

Regulations to be published in The Ontario Gazette and laid before Assembly.

rule or regulation, so far as the same is disapproved, shall have no effect from the time such resolution is passed. 8 Edw. VII. c. 21, s. 187.

Transmis-  
sion of  
electricity  
in Mining  
Division  
and entering  
on lands  
without  
consent of  
owner.

**189.** With the consent of the Lieutenant-Governor in Council, and on such terms as he may see fit, any company authorized to supply electrical power or energy or compressed air or both may from time to time construct, maintain and operate transmission lines, air pipe lines, substations and other conveniences for the transmission of electrical power or energy or compressed air or both in and through any mining division and for any such purposes may enter upon, take and use any mining lands or any privilege or easement required by such company for such purposes without the consent of the owner thereof, but subject to the payment of such compensation or annual rent for the privilege or easement required, and authorized as may be determined by the Lieutenant-Governor in Council, and the Lieutenant-Governor in Council may from time to time revoke or vary the terms upon which any right conferred under the authority of this section may be exercised. 1 Geo. V. c. 17, s. 45 (1).

#### FEES.

Fees.

**190.** Fees shall be payable under this Act according to the tariff in the Schedule hereto, and except as otherwise mentioned shall be for the use of Ontario. 8 Edw. VII. c. 21, s. 188.

#### ON CANCELLATION OF PATENT, LANDS AND RIGHTS TO REVEST IN CROWN.

Lands and  
mining rights  
to be with-  
drawn from  
exploration  
on repeal of  
patent or  
lease at  
instance of  
Crown.

**191.** Whenever a patent or lease of mining lands, or mining rights, is by proceedings in the Supreme Court at the instance of the Crown repealed or avoided, such lands and mining rights shall thereupon become and be withdrawn from exploration, discovery, staking out, lease, or sale; and every discovery upon and claim to such lands or mining rights and to the mines or minerals on, in or under such lands made or existing at any time before the repeal or avoidance of the patent or lease shall become and be absolutely null and void; and such lands, mining rights, mines and minerals shall be thenceforth vested in the Crown freed and discharged of and from every claim. 8 Edw. VII. c. 21, s. 189.

## DEFAULT OF LESSEE UNDER MINES ACT, 1897.

**192.** If default is made by the lessee of a mining location leased under the authority of *The Mines Act*, chapter 36 of the Revised Statutes of Ontario, 1897, in the payment of rent the lease shall be forfeited, but the lessee may defeat the forfeiture by payment of the full amount of rent within ninety days from the day when the same became payable; and in default thereof the lease shall be absolutely forfeited and void, any statute or law to the contrary notwithstanding, and all claims of the lessee or his assigns shall from and after such period forever cease and determine. 8 Edw. VII. c. 21, s. 190.

Forfeiture of leases under Rev. Stat. c. 36.

**193.**—(1) Upon the failure of any one or more of several co-owners or co-lessees of a location to contribute his or their proportion of the expenditures or of the rental necessary to hold such location, the co-owners or co-lessees who have performed the labour or made the improvements or paid the rent as required by the provisions of *The Mines Act*, chapter 36 of the Revised Statutes of Ontario, 1897, may, at the expiration of the year, give such delinquent co-owner or co-lessee, or in case of his death, his personal representative notice in writing, served personally or by registered post, addressed to his last known place of abode, calling upon him to make the necessary payment; and if upon the expiration of three calendar months from such notice the delinquent co-owner or co-lessee or his personal representative shall have failed to contribute his proportion to meet such expenditure or rental, upon report thereof by the Deputy Minister of Mines, the Minister of Lands, Forests and Mines may order that the interest of the delinquent co-owner or co-lessee in the location shall become the property of and be vested in his co-lessees or co-owners who have made the expenditures or paid the rent, or if the Minister thinks fit to refer the matter to a Judge of the High Court Division, the Judge shall have authority to make the like order.

Default made by one of several co-owners or co-lessees.

(2) In case of the death of a delinquent co-owner or co-lessee either before or after default in respect of his share, and no person has taken out administration to his estate or has obtained probate of his will, the notice provided for in the preceding subsection may be given to his heirs. 8 Edw. VII. c. 21, s. 191.

Death of delinquent.

**194.** The next two preceding sections shall be deemed to have been in force in the same manner and to the same extent as if Chapter 36 of the Revised Statutes, 1897, had not been repealed, and it is declared that the Minister of Lands

Sections 192, 193 to be a continuation of the provisions of Rev. Stat. c. 36.

and Mines and the Minister of Lands, Forests and Mines have each had all the powers by the said Revised Statute conferred upon the Commissioner of Crown Lands with respect to the matters provided for by the said sections and that the Deputy Minister of Mines has had with respect to such matters, all the powers by the said Revised Statutes conferred upon the Director of the Bureau of Mines. 8 Edw. VII. c. 21, s. 192.

Sale or  
lease of  
mineral  
rights under  
roads.

**195.**—(1) The corporation of any county, or township in that part of the Province lying south of the French River, Lake Nipissing and the River Mattawan wherever minerals are found, may sell or lease, by public auction or otherwise, the right to take minerals found upon or under any roads over which the township or county has jurisdiction, if considered expedient so to do.

No sale or  
lease till  
after  
notice.

(2) No such sale or lease shall take place until after due notice of the intended by-law has been posted up in six of the most public places in the immediate neighbourhood of such road, for at least one month, previous to the time fixed for considering the by-law.

Sale or  
lease not to  
interfere  
with public  
travel.

(3) The deed of conveyance or lease to the purchaser or lessee under the by-law, shall contain a proviso protecting the road for public travel, and preventing any user of the granted rights which would interfere with public travel.

In northern  
part of  
Province.

(4) In the remaining portions of Ontario the mines, minerals and mining rights in, on or under all common and public highways and road allowances shall be and are hereby vested in His Majesty, and may be sold, leased or otherwise disposed of under this Act. Where any mining location or mining lands adjoin a common and public highway or road allowance, and the mineral vein or deposit thereon extends into or under such highway or road allowance, the owner or owners thereof shall have the right to purchase or lease the mines, minerals and mining rights in, on or under the same, subject to the provisions of this Act, or where there are mining locations or mining lands on both sides of such highway or road allowance the said rights shall accrue to the owner or owners on both sides thereof as respects the half of such highway or road allowance adjoining his or their lands. This subsection shall not apply to highways on lands heretofore granted by the Crown under this Act, or in the grant whereof the mines and minerals were not reserved to the Crown.

(5) The patent or lease of such mines, minerals and mining rights shall contain a proviso protecting the road for public travel and preventing any user of the granted rights which would interfere with public travel unless and until a road in lieu thereof has been provided and accepted by the municipal corporation having control of the road. Patent or lease to protect public travel.

(6) Subsections (4) and (5) shall not affect any rights acquired from or any agreement made or entered into with any municipal corporation under this section prior to the 1st day of May, 1904. Previously acquired rights preserved. 2 Geo. V. c. 8, s. 30.

## SCHEDULE.

### THE MINING ACT OF ONTARIO.

#### APPENDIX OF FORMS.

- Form 1. Miner's License. (*See* sec. 23 (1).)
- " 2. Affidavit verifying copy of license to Company to transact business in Ontario. (*See* sec. 23 (6).)
- " 3. Renewal of Miner's License. (*See* sec. 27.)
- " 4. Application to record a Mining Claim. (*See* sec. 59 (1).)
- " 5. Application for a Free Grant. (*See* sec. 59 (2).)
- " 6. Affidavit of discovery and staking out of a Mining Claim. (*See* sec. 59 (3).)
- " 7. Affidavit showing right to Free Grant. (*See* sec. 63 (1).)
- " 8. Dispute against a Recorded Claim. (*See* sec. 63 (1).)
- " 9. Affidavit verifying a dispute. (*See* sec. 63 (1).)
- " 10. Certificate of Record of the staking out of a Mining Claim. (*See* sec. 64.)
- " 11. Transfer of unpatented Mining Claim. (*See* sec. 72.)
- " 12. Affidavit of execution of transfer or other instrument. (*See* sec. 73.)
- " 13. Certificate that interest in claim in question. (*See* sec. 77 (2).)
- " 14. Report of work. (*See* sec. 78 (3).)
- " 15. Affidavit verifying report of work. (*See* sec. 78 (3).)
- " 16. Certificate of performance of working conditions. (*See* sec. 78 (4).)
- " 17. Notice of intention to perform on one claim work for contiguous claims. (*See* sec. 78 (5).)
- " 18. Notice of abandonment of a Mining Claim, etc. (*See* sec. 82 (1).)
- " 19. Application for a Working Permit. (*See* sec. 94, par. (b).)
- " 20. Affidavit to accompany application for Working Permit. (*See* sec. 94, par. (b).)
- " 21. Certificate of Recorder of application for Working Permit to be affixed to No. 1 post. (*See* sec. 94, par. (c).)
- " 22. Working Permit. (*See* sec. 94 (2).)
- " 23. Notice of application for Working Permit to be posted up by Mining Recorder in his office. (*See* sec. 95.)
- " 24. Notice of issue of Working Permit to be affixed to No. 1 post. (*See* sec. 97.)

- Form 25. Transfer of Working Permit. (See sec. 100.)  
 " 26. Renewal of Working Permit. (See sec. 101.)  
 " 27. Application for Patent of a Mining Claim. (See sec. 106 (2).)  
 " 28. Boring Permit. (See sec. 119 (2).)  
 " 29. Application for Boring Permit. (See sec. 119, par. (b).)  
 " 30. Affidavit to accompany application for Boring Permit. (See sec. 119, par. (b).)  
 " 31. Transfer of interest in Boring Permit. (See sec. 119 (7).)  
 " 32. Certificate of Mining Partnership. (See sec. 122 (1).)  
 " 33. Revocation of appointment of agent of a Mining Partnership. (See sec. 122 (5).)  
 " 34. Certificate of appointment of new agent of a Mining Partnership. (See sec. 122 (5) and (6).)  
 " 35. Transfer of share in a Mining Partnership. (See sec. 122 (7).)  
 " 36. Dissolution of a Mining Partnership. (See sec. 122 (9).)  
 " 37. Notice of Appeal to Mining Commissioner. (See sec. 133 (3).)  
 " 38. Notice of claim or dispute. (See sec. 136 (4).)

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(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 1. (See sec. 23.)

*Department of Lands, Forests and Mines.*

No. Fee \$  
 (Name of place of issue and date of issue.)

191 .

MINER'S LICENSE.

This License is issued to \_\_\_\_\_ called the  
 Licensee, of the \_\_\_\_\_ of \_\_\_\_\_ in consideration of  
 the payment of a fee of \_\_\_\_\_ dollars, under and subject to  
 the provisions of *The Mining Act of Ontario*, to be in force until and  
 including the 31st day of March next succeeding the date hereof,  
 and is not transferable.

Mining Recorder of

Mining Division

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Stub for Form 1.

MINER'S LICENSE.

No. Fee \$

Name of Mining Division.  
 Name of licensee.  
 Of  
 Date of issue

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## Form 2. (See sec. 23 (6).)

*Department of Lands, Forests and Mines.*

County (or District) of } I, \_\_\_\_\_ of \_\_\_\_\_ of  
To Wit: } of the \_\_\_\_\_ of  
make oath and say: \_\_\_\_\_ of

1. That I am Secretary (or President, etc.) of (a)  
2. That hereto annexed is a true copy of the license issued by the  
Provincial Secretary of the Province of Ontario, authorizing (a)  
to transact business in the Province of Ontario.

Sworn before me at  
in the of  
this day of  
191 .

*A Commissioner for taking affidavits, or*

*Notary Public, or Mining Recorder.*

(a) *Insert corporate name in full.*

(Coat of Arms.)

THE MINING ACT OF ONTARIO.

Form 3. (See sec. 27.)

Department of Lands, Forests and Mines.

No. of License renewed	No. of Renewal
1	1
2	2
3	3
4	4
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98	98
99	99
100	100

**Fee \$**

(Place and date of issue of Renewal.)

191 .

### RENEWAL OF MINER'S LICENSE.

**This Renewal of Miner's License No. \_\_\_\_\_ issued by the Mining Recorder of \_\_\_\_\_ Mining Division, on the \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_\_\_, to \_\_\_\_\_ of \_\_\_\_\_ called the licensee, is issued to the licensee in consideration of the payment of the fee of \_\_\_\_\_ dollars, and under and subject to the provisions of *The Mining Act of Ontario*, renews the said license until and including the 31st day of March next succeeding the date hereof, and is not transferable.**

Mining Recorder of

### Mining Division.

Stub of form 3.

# RENEWAL OF MINER'S LICENSE.

No. of License renewed	Fee \$
No. of Renewal	
Name of Licensee	
Name of Mining Division	
Date of issue of original License	
Date of issue of Renewal	

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(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 4. (See sec. 59 (1).)

*Department of Lands, Forests and Mines.*

### APPLICATION TO RECORD THE STAKING OUT OF A MINING CLAIM.

To the Mining Recorder of \_\_\_\_\_ Mining Division:—  
 Application is hereby made under the provisions of *The Mining Act of Ontario* to record the staking out of a mining claim containing \_\_\_\_\_ acres or thereabouts, composed of the area shown on the sketch or plan hereto attached and more particularly described as follows:—

The lengths of the outlines of the claim are as follows:—

The name of the claim is \_\_\_\_\_

The discovery post is situate \_\_\_\_\_ feet from No. 1 post.

The discovery of valuable mineral in place, upon which this claim is based, was made on the \_\_\_\_\_ day of \_\_\_\_\_, 191 , at \_\_\_\_\_ o'clock \_\_\_\_\_ m., by \_\_\_\_\_ holder of miner's license No. \_\_\_\_\_

The claim was staked out and the lines cut and blazed thereon on the \_\_\_\_\_ day of \_\_\_\_\_, 191 .

The claim was staked out and is to be recorded in the name of \_\_\_\_\_, who resides at \_\_\_\_\_, whose post office address is \_\_\_\_\_, and who is holder of miner's license No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 191 , issued by the Mining Recorder of \_\_\_\_\_ Mining Division.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191 .

*Name of applicant. License number.*

*Note.—If the applicant is not a resident of Ontario the name, residence and post office address of some person resident in Ontario, upon whom service may be made, must be given as follows:—*

*Service may be made upon \_\_\_\_\_, who resides at \_\_\_\_\_, in Ontario, and whose post office address is \_\_\_\_\_*

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(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 5. (See sec. 59 (2).)

*Department of Lands, Forests and Mines.*

## APPLICATION FOR A FREE GRANT.

To the Mining Recorder of

Mining Division.

The undersigned, holder of Miner's License No. \_\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division, claims to be the first discoverer of valuable metal, ore or mineral, at a point which is not less than five miles from the nearest known mine, vein, lode or deposit of the same kind of metal, ore or mineral, as follows:

The discovery by me is of (a)

The location of the discovery is as shown on the accompanying sketch or plan.

The nearest mine, vein, lode or deposit of the same kind of metal, ore or other mineral, known to me, is at

I claim to be entitled to the said mining claim without payment of purchase price according to *The Mining Act of Ontario*.

I reside at \_\_\_\_\_, and my post office address is

Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_ 191 .

*Name of Licensee.*

*Post office address of Licensee.*

(a) *State the kind of metal, ore or mineral.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 6. (See sec. 59 (3).)

*Department of Lands, Forests and Mines.*

## AFFIDAVIT OF DISCOVERY AND STAKING OUT OF A MINING CLAIM.

County (or District) of \_\_\_\_\_ } I, \_\_\_\_\_ of \_\_\_\_\_ of \_\_\_\_\_ the \_\_\_\_\_  
 To Wit: } of \_\_\_\_\_ in the \_\_\_\_\_

holder of Miner's license No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_, 191 , issued by the Mining Recorder of \_\_\_\_\_ Mining Division, make oath and say:

1. That on the \_\_\_\_\_ day of \_\_\_\_\_ 191 , at the hour of \_\_\_\_\_ o'clock \_\_\_\_\_ m., I discovered valuable mineral in place upon the lands comprised in the mining claim described and shown in the application and sketch or plan hereto attached, and such discovery consisted of

(Give particulars of discovery, kind of ore or mineral, also, if possible, kind of rock enclosing it.)

2. That the said claim was staked out upon the said discovery on the \_\_\_\_\_ day of \_\_\_\_\_, 191 , as shown in the said application and sketch or plan hereto attached.

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Mining Division.

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Mining Division.

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(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 8. (See sec. 63 (1).)

*Department of Lands, Forests and Mines.*

## DISPUTE AGAINST A RECORDED CLAIM.

To the Mining Recorder of

Mining Division:—

I, \_\_\_\_\_, holder of Miner's License No. \_\_\_\_\_, hereby dispute Mining Claim No. \_\_\_\_\_, recorded in the name of \_\_\_\_\_, upon the lands known and described as \_\_\_\_\_

1. The said claim is illegal or invalid because (*state fully how and why illegal or invalid*).

2. (*If it is claimed that the disputant or another licensee in whose behalf he is acting is entitled to be recorded for or is entitled to any right or interest in the lands or mining rights, or any part thereof, a statement to that effect must here be inserted, giving particulars.*)

I reside at \_\_\_\_\_, and my post office address is \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 191 .

Signature of disputant .....

Address for service .....

(*This must be a place within 5 miles of the Recorder's office.*)

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 9. (See sec. 63 (1).)

*Department of Lands, Forests and Mines.*

## AFFIDAVIT VERIFYING DISPUTE.

County (or District) of \_\_\_\_\_  
To Wit: \_\_\_\_\_ }

I, \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, holder of Miner's License No. \_\_\_\_\_, make oath and say:—

1. I am the licensee signing the dispute attached hereto.

2. I have personal knowledge of the matters in said dispute mentioned, and I swear that the statements therein set forth are true and correct in substance and in fact.

3. The said dispute is, as I verily believe, one that is justified according to *The Mining Act of Ontario*, and the said dispute is not made for any improper purpose.

Sworn before me at \_\_\_\_\_

of \_\_\_\_\_ in the \_\_\_\_\_  
of \_\_\_\_\_ this \_\_\_\_\_  
day of \_\_\_\_\_  
A.D. 191 .

Mining Recorder of \_\_\_\_\_

Mining Division.

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 10. (See sec. 64.)

*Department of Lands, Forests and Mines.*

No.

Fee \$

## CERTIFICATE OF RECORD OF STAKING OUT OF MINING CLAIM.

I hereby certify that I have this day granted to \_\_\_\_\_ of  
 the holder of Miner's License No. \_\_\_\_\_, dated  
 day of \_\_\_\_\_ 191\_\_\_\_, (issued by the Mining  
 Recorder of the \_\_\_\_\_ Mining Division), a certificate of  
 record of mining claim No. \_\_\_\_\_, known as \_\_\_\_\_, containing  
 \_\_\_\_\_ acres, more or less.  
 Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_\_\_.

Mining Recorder of

Mining Division.

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 11. (See sec. 72.)

*Department of Lands, Forests and Mines.*

## TRANSFER OF UNPATENTED MINING CLAIM.

The undersigned, holder of Miner's License No. \_\_\_\_\_, issued  
 by the Mining Recorder of \_\_\_\_\_ Mining Division,  
 in consideration of the sum of \_\_\_\_\_ dollars (receipt whereof is  
 hereby acknowledged), doth hereby transfer to  
 who resides at \_\_\_\_\_, whose post office address is  
 and who is holder of Miner's License No. \_\_\_\_\_, issued by the Min-  
 ing Recorder of \_\_\_\_\_ Mining Division \_\_\_\_\_ the  
 interest of the undersigned in Mining Claim No. \_\_\_\_\_ in the  
 Mining Division, particularly described as follows:

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_\_\_.

Witness,

Signature of Transferor.

*Note 1.—If transferee is not a resident of Ontario the name, resi-  
 dence and post office address of some person resident in Ontario,  
 upon whom service may be made, must be given, as follows:*

Service may be made upon \_\_\_\_\_, who resides at \_\_\_\_\_,  
 in Ontario, and whose post office address is \_\_\_\_\_

*Note 2.—Affidavit, Form 12, must be attached.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 12. (See sec. 73.)

*Department of Lands, Forests and Mines.*

## AFFIDAVIT OF SUBSCRIBING WITNESS VERIFYING TRANSFER OR OTHER INSTRUMENT.

County or District of  
 I,                      of the                      of                      , in the County (or District) of                      , make oath and say:—

1. That I was personally present and did see the annexed (or within) instrument signed and executed by                      , one of the parties thereto;

2. That the said instrument was executed at                      ;

3. That I know the said party;

4. That I am a subscribing witness to the said instrument.

Sworn before me at                      }  
    in the                      }  
 of                      this                      }  
    day of                      , 191                      . }

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 13. (See sec. 77 (2).)

*Department of Lands, Forests and Mines.*

## CERTIFICATE THAT INTEREST IN CLAIM IN QUESTION.

I certify that in a proceeding commenced by  
 who resides at                      , and whose post office address is  
    , an interest is called in question in Mining Claim  
 (or as the case may be) No.                      , recorded in                      Mining  
 Division in the name of                      upon the following lands:

The nature of the proceeding is                      .

Dated this                      day of                      , 191                      .

*Mining Commissioner or Mining Recorder.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 14. (See sec. 78 (3).)

*Department of Lands, Forests and Mines.*

## REPORT OF WORK. (a)

To the Mining Recorder of

Mining Division:

I, the undersigned, holder of Miner's License No.                      (issued by the Mining Recorder of                      Mining Division), being the holder of (b)                      No.                      comprising the lands known and described as                      hereby state and report that I (c) have in conformity with *The Mining Act of Ontario* performed or caused to be performed thereon                      days' work, not before reported, consisting of

and that the names and residences of the men who performed the said work and the dates upon which each man worked in its performance are as follows:

I reside at \_\_\_\_\_, and my post office address is \_\_\_\_\_

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191 .

Name of Licensee. \_\_\_\_\_

(a) This report must be filed with the Mining Recorder not later than ten days after the time within which such mining operations are required to be performed.

(b) State whether mining claim, quarry claim or working permit.

(c) Or \_\_\_\_\_, on my behalf, (as the case may be).

(Coat of Arms.)

# THE MINING ACT OF ONTARIO.

Form 15. (See sec. 78 (3).)

*Department of Lands, Forests and Mines.*

## AFFIDAVIT VERIFYING REPORT OF WORK.

County (or District) of \_\_\_\_\_ } I,  
 To Wit: \_\_\_\_\_ } of the \_\_\_\_\_ of  
 \_\_\_\_\_ } in the \_\_\_\_\_ of  
 \_\_\_\_\_ } make oath and say:

1. That the statements contained in the annexed report by \_\_\_\_\_, the holder of Miner's License No. \_\_\_\_\_ to the Mining Recorder of \_\_\_\_\_ Mining Division, relating to the performance of mining operations on (a) No. \_\_\_\_\_ are true and correct in every particular.

2. That the statement contained in the preceding paragraph is based upon the following information:

Sworn before me at the \_\_\_\_\_ of \_\_\_\_\_ Name of Licensee.  
 in the \_\_\_\_\_ of \_\_\_\_\_  
 this \_\_\_\_\_ day of \_\_\_\_\_ } P. O. address of Licensee.  
 A.D. 191 .

Mining Recorder of \_\_\_\_\_ Mining Division.

(a) State whether mining claim, quarry claim or working permit.

(Coat of Arms.)

# THE MINING ACT OF ONTARIO.

Form 16. (See sec. 78 (4).)

*Department of Lands, Forests and Mines.*

No. \_\_\_\_\_

Fee \$ \_\_\_\_\_

Name of place of issue and date of issue.

191 .



**CERTIFICATE OF PERFORMANCE OF WORKING CONDITIONS. (a)**

This is to certify that \_\_\_\_\_ of \_\_\_\_\_, holder  
of Miner's License No. \_\_\_\_\_ (issued by Mining Recorder of  
Mining Division) licensee of (a) has performed all neces-  
sary mining operations on the said (a) to my satisfaction for the  
period of \_\_\_\_\_ months (or year) ending the  
day \_\_\_\_\_ 191 .

*Mining Recorder.*

(a) *State whether mining claim, quarry claim or working permit.*

Stub for Form 16.

No.

Date

Name of Licensee

Number of License

Name of Mining Claim

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(Coat of Arms.)

**THE MINING ACT OF ONTARIO.**

Form 17. (See sec. 78 (5).)

*Department of Lands, Forests and Mines.*

**NOTICE OF INTENTION TO PERFORM ON ONE MINING CLAIM WORK FOR  
CONTIGUOUS CLAIMS.**

To the Mining Recorder of the \_\_\_\_\_ Mining Division:

I, the undersigned holder of Miner's License No. \_\_\_\_\_, (issued by  
the Mining Recorder of \_\_\_\_\_ Mining Division) hereby  
notify you that I am holder of mining claims numbers  
\_\_\_\_\_ and \_\_\_\_\_, which are contiguous to each other, and  
that during the years 191 \_\_\_\_\_ and 191 \_\_\_\_\_ it is my intention to per-  
form upon said Mining Claim No. \_\_\_\_\_ all the work required by the  
provisions of *The Mining Act of Ontario*, to be performed upon  
said mining claims.

I reside at \_\_\_\_\_, and my post office address is  
Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191 .

*Name of Licensee.*

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(Coat of Arms.)

**THE MINING ACT OF ONTARIO.**

Form 18. (See sec. 82 (1).)

*Department of Lands, Forests and Mines.*

**NOTICE OF ABANDONMENT OF A MINING CLAIM, ETC.**

To the Mining Recorder of \_\_\_\_\_ Mining Division:

The undersigned, holder of Miner's License No. \_\_\_\_\_ issued by  
the Mining Recorder of \_\_\_\_\_ Mining Division, and  
holder of Mining Claim No. \_\_\_\_\_ hereby abandons all interest in  
said mining claim, and authorizes you to record such abandonment  
in the books of your office.

I reside at \_\_\_\_\_, and my post office address is  
 Dated at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 191 .

*Name of Licensee.*  
*P. O. address of Licensee.*

*Note.—If quarry claim, working permit or boring permit, modify form accordingly.*

(Coat of Arms.)

### THE MINING ACT OF ONTARIO.

Form 19. (See sec. 94, par. (b).)  
*Department of Lands, Forests and Mines.*

#### APPLICATION FOR WORKING PERMIT.

The undersigned \_\_\_\_\_, holder of Miner's License  
 No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 191 ,  
 issued by the Mining Recorder of the \_\_\_\_\_ Mining  
 Division, hereby applies to the Mining Recorder of the  
 Mining Division for a working permit of the area consisting of  
 \_\_\_\_\_ acres, more or less, according to the sketch or plan  
 attached hereto, more particularly described as follows:

The area was staked out and the lines cut and blazed on the  
 \_\_\_\_\_ day of \_\_\_\_\_ 191 , and the name by which  
 the said area may be known is \_\_\_\_\_

I reside at \_\_\_\_\_, and my post office address is \_\_\_\_\_  
 Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191 .  
*Signature of Licensee in full.*

*Note.—If the applicant is not a resident of Ontario, the name, residence and post office address of some person resident in Ontario, upon whom service may be made, must be given, as follows:—*

Service may be made upon \_\_\_\_\_, who resides at  
 \_\_\_\_\_, in Ontario, and whose post office address  
 is \_\_\_\_\_.

(Coat of Arms.)

### THE MINING ACT OF ONTARIO.

Form 20. (See sec. 94, par. (b).)  
*Department of Lands, Forests and Mines.*

#### AFFIDAVIT TO ACCOMPANY APPLICATION FOR WORKING PERMIT.

County (or District) of _____	}	I, _____ of the _____ of _____ in the _____ of _____ holder of Miner's License No. _____ dated _____ 191 issued by the Mining Recorder of Mining Division, make oath and say:
To Wit:		

1. That the sketch or plan hereto attached is correct and correctly shows the location of the posts referred to in the annexed application for working permit, and their distances from each other in feet as accurately as I could reasonably ascertain the same, and all the other statements in said application are true and correct.

2. That at the time of staking out the area described in said application there was nothing on said area to indicate that it was not open to be staked for a working permit, and I know of no reason why said application is not valid, and I verily believe that I am entitled under the provisions of *The Mining Act of Ontario* to make the said application.

3. That the application for the said working permit is made on behalf of \_\_\_\_\_ of the \_\_\_\_\_ of \_\_\_\_\_, holder of Miner's License No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division.

Sworn before me at the \_\_\_\_\_  
of \_\_\_\_\_  
in the \_\_\_\_\_  
of \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_  
A.D. 191 \_\_\_\_\_

Mining Recorder of \_\_\_\_\_

Mining Division.

(Coat of Arms.)

# THE MINING ACT OF ONTARIO.

Form 21. (See sec. 94, par. (c).)

*Department of Lands, Forests and Mines.*

## CERTIFICATE OF MINING RECORDER OF APPLICATION FOR WORKING PERMIT TO BE AFFIXED TO No. 1 Post.

The undersigned hereby certifies that \_\_\_\_\_ of \_\_\_\_\_, the holder of Miner's License No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_, and issued by the Mining Recorder of the \_\_\_\_\_ Mining Division has this day applied to me for a working permit of the area described as follows:

said to have been staked out by said licensee for himself or \_\_\_\_\_, holder of Miner's License No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_, issued by the Mining Recorder of the \_\_\_\_\_ Mining Division, (or, as the case may be), on the \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_, Dated at \_\_\_\_\_ the \_\_\_\_\_ day of \_\_\_\_\_ 191 \_\_\_\_\_.

Mining Recorder of \_\_\_\_\_

Mining Division.

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 22. (See sec. 94 (2).)

*Department of Lands, Forests and Mines.*

No.

Fee \$5.00.

## WORKING PERMIT.

Pursuant to the provisions of *The Mining Act of Ontario*, and subject thereto, a Permit is hereby granted to of , the holder of License No. , dated this day of 191 , issued by the Mining Recorder of Mining Division to enter into exclusive possession, for the purpose of prospecting for minerals, of the area consisting of acres, more or less, defined in the sketch or plan attached hereto, and more particularly described as follows:

and to work thereon during the period of six months from the day of the date hereof, together with such renewal (if any) as is contained in the renewal hereof endorsed hereon.

Dated at , this day of , 191 .

Mining Recorder of

Mining Division.

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 23. (See sec. 95.)

*Department of Lands, Forests and Mines.*

NOTICE TO BE POSTED UP BY THE MINING RECORDER IN HIS OFFICE OF THE APPLICATION FOR A WORKING PERMIT.

Notice is hereby given that of the holder of Miner's License No. , dated the day of 191 , and issued by the Mining Recorder of Mining Division, has this day applied to me for a Working Permit of the area described as follows:

said to have been staked out by said licensee for himself, or holder of Miner's License No. , dated the day of , 191 , issued by the Mining Recorder of Mining Division, (or as the case may be) on the day of 191 .  
Dated at the day of 191 .

Mining Recorder of

Mining Division.

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 24. (See sec. 97.)

*Department of Lands, Forests and Mines.*

## NOTICE OF ISSUE OF WORKING PERMIT TO BE AFFIXED TO No. 1 Post.

I hereby give notice that on the                      day of                      191 ,  
 a Working Permit, under the provisions of *The Mining Act of Ontario*, was issued by me to                      , the holder of License  
 No.                      , dated the                      day of                       
 191 , issued by the Mining Recorder of the                      Mining  
 Division, such Working Permit being for (*insert description of land*) and to run for six months from the day of the date of same.

Dated at                      , this                      day of                      , 191 .

Mining Recorder of

Mining Division.

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 25. (See sec. 100.)

*Department of Lands, Forests and Mines.*

## TRANSFER OF WORKING PERMIT.

The undersigned, holder of Miner's License No.                      (Issued by  
 the Mining Recorder of                      Mining Division), in con-  
 sideration of the sum of                      dollars, (receipt whereof is  
 hereby acknowledged), hereby transfers to                      ,  
 who resides at                      , and whose post office address is                      ,  
 and who is holder of Miner's License No.                      (issued by the Mining  
 Recorder of                      Mining Division), (a)  
 of the undersigned, in Working Permit No.                      , dated the  
                     day of                      191 , issued by the Mining  
 Recorder of                      Mining Division.

Dated at                      , this                      day of                      , 191 .

Witness.

*Signature of Transferor.**Post office address of Transferor.*(a) *State interest transferred.*

*Note.—Affidavit, Form 12, must be attached. If transferee is not a resident of Ontario, an address for service must be given, as shown in note under Form 11.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 26. (See sec. 101.)

*Department of Lands, Forests and Mines.*

## RENEWAL OF WORKING PERMIT.

(To be endorsed on original Working Permit.)

The period within which \_\_\_\_\_ of  
holder of Miner's License No. \_\_\_\_\_, is authorized to have exclusive  
possession, for the purpose of prospecting for minerals, of the area  
described in Working Permit No. \_\_\_\_\_, and to work same, is  
hereby renewed and extended until and including the  
day of \_\_\_\_\_, 191 .

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191 .

Mining Recorder of \_\_\_\_\_ Mining Division.

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 27. (See sec. 106 (2).)

*Department of Lands, Forests and Mines.*

## APPLICATION FOR PATENT OF A MINING CLAIM.

To the Mining Recorder of \_\_\_\_\_ Mining Division:

The undersigned, holder of Miner's License No. \_\_\_\_\_, (issued by  
the Mining Recorder of \_\_\_\_\_ Mining Division) and  
as holder of Mining Claim No. \_\_\_\_\_, applies for the issue of a  
patent thereof.

All work to be performed thereon has been duly performed, and  
I now hand you \_\_\_\_\_ dollars, the purchase money thereof, and  
request the issue of a patent thereof to \_\_\_\_\_ of  
being the holder of Miner's License No. \_\_\_\_\_ (issued by the Mining  
Recorder of \_\_\_\_\_ Mining Division).

I reside at \_\_\_\_\_, and my post office address is \_\_\_\_\_.

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191 .

*Name of Licensee Applicant.*

*Note.—If the Applicant is not a resident of Ontario, an address  
for service must be given as shown in note under Form 4.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 28. (See sec. 119 (1).)

*Department of Lands, Forests and Mines.*

No.

Fee \$

## BORING PERMIT. (a).

Pursuant to the provisions of *The Mining Act of Ontario*, and subject thereto, a Boring Permit is hereby granted to of \_\_\_\_\_, the holder of Miner's License No. \_\_\_\_\_ dated the \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_, issued by the Mining Recorder of \_\_\_\_\_ Mining Division, to enter upon and prospect the area set forth and described in the sketch or plan attached hereto, for petroleum, natural gas, coal or salt, and to work thereon during a period of one year from the day of the date hereof.

Dated at this

day of

A.D. 191 .

Minister of Lands, Forests and Mines.

(a) *This permit is to be in duplicate, and one of such duplicates is to be retained in the office of the Bureau of Mines.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 29. (See sec. 119 (b).)

*Department of Lands, Forests and Mines.*

## APPLICATION FOR BORING PERMIT. (a).

The undersigned, \_\_\_\_\_, holder of Miner's License No. \_\_\_\_\_, dated the \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_, (issued by the Mining Recorder of \_\_\_\_\_ Mining Division), hereby applies to the Mining Recorder of \_\_\_\_\_ Mining Division, for a Boring Permit to prospect for petroleum, natural gas, coal or salt, of the area consisting of \_\_\_\_\_ acres, more or less, according to the sketch or plan attached hereto, more particularly described as follows:

The area was staked out and posts were planted on the day of \_\_\_\_\_, 191\_\_\_\_, and the name by which the said area may be known is \_\_\_\_\_.

I reside at \_\_\_\_\_, and my post office address is \_\_\_\_\_.  
Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_, 191 .

*Signature of Licensee in full.*(a) *This form must be in duplicate.*

*Note.—If the applicant is not a resident of Ontario, an address for service must be given as shown in note under Form 4.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 20. (See sec. 115 (3).)

Department of Lands, Forests and Mines.

AFFIDAVIT TO ACCOMPANY APPLICATION FOR BORING PERMIT. (a).

County (or District) of

I,  
of the  
of  
in the  
of  
make oath and say:

To Wit:

1. That I am the holder of Miner's License No. , dated the  
day of 191 , issued by the Mining  
Recorder of Mining Division .

2. That the sketch or plan hereto attached is correct, and correctly shows the location of the posts referred to and the distance from each in feet, and all the statements and particulars set out in the said application are true and correct.

3. That I have no knowledge of and have never heard of any adverse claim to the issuing of a Boring Permit in the area described in the application.

4. That the application for Boring Permit is made on behalf of of in the  
of holder of Miner's License No. ,  
issued by the Mining Recorder of Mining  
Division.

Sworn before me at

in the

of

this

day of

A.D. 191 .

Mining Recorder of

Mining Division.

(a) This affidavit must be in duplicate.

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 31. (See sec. 115 (7).)

Department of Lands, Forests and Mines.

TRANSFER OF INTEREST IN A BORING PERMIT.

The undersigned, holder of Miner's License No. (Issued by  
the Mining Recorder of Mining Division), in  
consideration of the sum of dollars (receipt whereof is  
herely acknowledged), hereby transfers to , who  
resides at , and whose post office address is , holder  
of Miner's License No. (Issued by the Mining Recorder of  
Mining Division), (a) of the  
undersigned in Boring Permit No. , dated the  
day of 191 , issued by the Minister of Lands, Forests  
and Mines.



Dated at                      the                      day of                      191 .

*Signature of Transferor.*  
*Post office address of Transferor.*

*Note.—Affidavit, Form 12, must be attached, and if the transferee is not a resident of Ontario, an address for service as shown in note under Form 11 must be given.*

(a) *State interest transferred.*

(Cost of Arms.)

# THE MINING ACT OF ONTARIO.

Form 52. (See sec. 122 (1).)

*Department of Lands, Forests and Mines.*

## CERTIFICATE OF A MINING PARTNERSHIP.

This is to certify that the undersigned have formed a mining partnership, and that the following particulars thereof are true and correct:

(a) The names in full and addresses of all the partners are as follows:

(b) The name under which the partnership is to be conducted is as follows:

(c) The total number of shares into which the partnership is divided is:

(d) The number of shares of the partnership owned by each partner is as follows:

(e) 1. The partnership commenced on the                      day of                      191 .

2. The date at which the partnership is to terminate is

(f) The name, address and occupation of the agent (s) of the partnership with whom all contracts may be made or entered into on behalf of the partnership is as follows:

Dated at                      the                      day of  
A.D. 191 .

*Signatures of Members of Partnership.*

The undersigned, being the duly appointed Agent of the above-named partnership referred to in this certificate thereof, hereby consents to act as Agent of the partnership.

Dated at                      , this                      day of                      , 191  
*Name of Agent.*  
*P. O. Address of Agent.*

Witness:

(a) *The Agent must be some individual resident in Ontario or an incorporated company having its head office in Ontario.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 33. (See sec. 122 (5).)

*Department of Lands, Forests and Mines.*

## REVOCATION OF APPOINTMENT OF AN AGENT OF A MINING PARTNERSHIP.

The undersigned, being the majority in interest for the time being of the recorded members of the mining partnership known as " , hereby revoke the appointment of of , the heretofore agent of the partnership, and hereby appoint of to be agent of the partnership, in the place and stead of the said .

Dated at , this day of A.D. 191 .

Witness:

*Signatures of Partners.*

The undersigned, being the Agent above mentioned, hereby consents to act as Agent of the said partnership.

*Name of Agent.*  
*P. O. address of Agent.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 34. (See sec. 122 (5) and (6).)

*Department of Lands, Forests and Mines.*

## CERTIFICATE OF APPOINTMENT OF A NEW AGENT OF A MINING PARTNERSHIP.

The undersigned, being the majority in interest for the time being of the recorded members of mining partnership known as " , hereby appoint of the of in the of to be the agent of the partnership, in the place and stead of of , formerly Agent of the partnership, and now deceased.

Dated at , this day of , 191 .

Witness:

*Signatures of Partners.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 35. (See sec. 122 (7).)

*Department of Lands, Forests and Mines.*

## TRANSFER OF SHARE IN A MINING PARTNERSHIP.

The undersigned, member of the mining partnership known as "," in consideration of the sum of  dollars (receipt of which is hereby acknowledged) hereby transfers to  of the  of  in the county of  share in the mining partnership, and hereby authorizes the Mining Recorder of Mining Division to record the transfer thereof in the books of his office.

Dated at , this  day of , 191 .

Witness:

*Name of Partner.**Post Office Address.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 36. (See sec. 122 (9).)

*Department of Lands, Forests and Mines.*

## DISSOLUTION OF A MINING PARTNERSHIP.

This is to certify that the mining partnership which has heretofore existed between the undersigned, under the name of "," is hereby dissolved, and the Mining Recorder of Mining Division is hereby authorized to record the dissolution thereof in the books of his office.

Dated at , this  day of , 191 .

Witness:

*Signatures of Partners.*

(Coat of Arms.)

## THE MINING ACT OF ONTARIO.

Form 37. (See sec. 133 (3).)

*Department of Lands, Forests and Mines.*

## NOTICE OF APPEAL TO THE MINING COMMISSIONER.

In the Matter of Mining Claim No.  (or as the case may be) Lot  in the  Concession, in the Township of  (or as the case may be) Mining Division.

Take notice that (I)  holder of Miner's License No. , hereby appeal to the Mining Commissioner from the decision (or act or refusal) of the

Mining Recorder given (or done) on the \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_, wherein (or by which) he (state briefly what is appealed against.)

The grounds of objection to the decision (or act or refusal) are (state briefly in what respect and why the decision (or act or refusal) is claimed to be wrong).

I reside at \_\_\_\_\_, and my post office address is \_\_\_\_\_

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 191\_\_\_\_.

Name of Appellant .....

Address for Service .....

(This must be a place within 5 miles from the Recorder's Office.)

To the Mining Recorder of  
Mining Division  
And to (names of adverse parties, if  
any).

(Coat of Arms.)

#### THE MINING ACT OF ONTARIO.

Form 38. (See sec. 136 (4).)

*Department of Lands, Forests and Mines.*

#### NOTICE OF CLAIM OR DISPUTE.

Take notice that I claim (or dispute) (state the nature of the claim or dispute) and that the grounds of my claim (or dispute) are the following (state briefly but clearly the nature of the claim or dispute).

I reside at \_\_\_\_\_, and my post office address is \_\_\_\_\_

Dated at \_\_\_\_\_, this \_\_\_\_\_ day of \_\_\_\_\_ 191\_\_\_\_.

To O.D.

A.B.

*Note.*—If the person giving the notice is not a resident of Ontario, the name, residence and address of some person resident in Ontario, upon whom service may be made, must be given as follows:—

Service may be made upon \_\_\_\_\_, who resides at \_\_\_\_\_, in Ontario, and whose post office address is \_\_\_\_\_.

#### THE MINING ACT OF ONTARIO.

#### SCHEDULE OF FEES.

(Section 188.)

- |  |        |
|--|--------|
| 1. For a Miner's License or renewal thereof for an individual. (See secs. 23, 188) .....   | \$5 00 |
| 2. For an individual Miner's License issued on or after 1st October in any year. (See secs. 23, 188) .....                       | 3 00   |
| 3. For a Miner's License or renewal thereof for a mining partnership where not more than two partners. (See secs. 23, 188) ..... | 5 00   |

4. For a Miner's License or renewal thereof for a mining partnership where more than two but not more than five partners. (See secs. 23, 188) .....	\$10 00
5. For a Miner's License or renewal thereof for a mining partnership where more than five partners. (See secs. 23, 188) .....	20 00
6. For a Miner's License or renewal thereof for a Company where capital authorized by letters patent or license under <i>The Extra Provincial Corporations Act</i> does not exceed \$40,000. (See secs. 23, 188) .....	25 00
7. For a Miner's License or renewal thereof for a Company where capital authorized by letters patent or license under <i>The Extra Provincial Corporations Act</i> is over \$40,000, but not exceeding \$100,000. (See secs. 23, 188) .....	50 00
8. For a Miner's License or renewal thereof for a Company where capital authorized by letters patent or license under <i>The Extra Provincial Corporations Act</i> is over \$100,000, but not exceeding \$500,000. (See secs. 23, 188) .....	75 00
9. For a Miner's License or renewal thereof for a Company where capital authorized by letters patent or license under <i>The Extra Provincial Corporations Act</i> is over \$500,000, but not exceeding \$1,000,000. (See secs. 23, 188) .....	100 00
10. And for each additional \$1,000,000 or fraction thereof. (See secs 23, 188.) Provided that in cases where the authorized capital of any such company is over \$1,000,000, and it is by affidavit of the president or secretary thereof proven to the satisfaction of the Minister or Deputy Minister of Mines that any part of such capital is actually being used in some other business enterprise, and not in mining business within Ontario, such part may be deducted in fixing the license fees herein provided for .....	100 00
11. Whenever a Miner's License for a mining partnership or for a company is issued on or after 1st October in any year, the fee shall be only one-half the amount above specified.	
12. For recording each claim applied for on a license. (See secs. 59 (1), 188) .....	10 00
13. For examining Claim Record Book, per claim. Fee to be for Recorder's own use. (See secs. 8, 188) .....	10
14. For inspecting any document filed with a Mining Recorder. Fee to be for Recorder's own use. (See secs. 9, 188) .....	10
15. For recording a dispute per claim. (See secs. 63, 188)	10 00
16. For certificate of record of claim. (See secs. 64, 188)	1 00
17. For certificate of performance of working conditions. (See secs. 78, (4), 188) .....	1 00
18. On filing appeal from Recorder's decision. (See secs. 133, 188) .....	10 00
19. On filing appeal from Commissioner's decision. (See secs. 151, 188) .....	20 00
21. For filing transfer or agreement to sell or transfer the whole or part of a mining claim, quarry claim, working permit or boring permit, power of attorney, revocation of power of attorney, copy of writ of execution, discharge of execution, or any other instrument affecting any recorded claim, right or interest, per claim. (See secs. 73, 100, 119 (7), 188) .....	2 00
22. For a "Substituted Miner's License." (See secs. 28, 188) .....	1 00

23. For Special Renewal License under section 85, par (a), to save forfeiture, twice the prescribed license fee.	
24. For filing report of work under section 85, par. (b), to save forfeiture .....	\$25 00
25. For certificate relieving from disqualification under section 57 .....	20 00
26. For recording extension of time for performing working conditions or making application and payment for patent or lease, per claim. (See secs. 80, etc., 188) .....	1 00
27. For recording an order or judgment of the Mining Commissioner or made on appeal from him. (See secs. 77 (1), 188) .....	1 00
28. For recording a certificate that interest in claim or other recorded right or interest is called in question, per claim. (See secs. 77 (2), 188) .....	10 00
29. For receiving and recording application for a working permit and giving certificate therefor. (See secs 94 (b), 188).....	5 00
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8 Edw. VII. c. 21, Schedule; 10 Edw. VII. c. 26, s. 45 (2); 2 Geo. V. c. 8, s. 29; 5 Geo. V. c. 13.

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